



# fidh

**FIDH**  
**represents 164**  
**human rights organisations**  
**on 5 continents**

**FIDH - International Federation for Human Rights**

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# fidh

ANNUAL REPORT 2011







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# Our Fundamentals

## Our mandate: Protect all rights

The International Federation for Human Rights (FIDH) is an international NGO. It defends all human rights - civil, political, economic, social and cultural - as contained in the Universal Declaration of Human Rights.

## Our commitment: Three pillars of action

FIDH acts in conjunction with its member and partner organisations. Its actions are founded on three strategic pillars: securing the freedom and capacity to act for human rights defenders, the universality of rights and their effectiveness.

## Guiding principle: The accountability of all

FIDH's work is directed at states as principle human rights guarantors. However, it also addresses non State actors such as armed groups and multinational corporations. FIDH is committed to holding individual perpetrators of international crimes to account through the international criminal justice system.

## Ethics: Independence and objectivity

FIDH is a nonpartisan, non sectarian, apolitical and not for profit organisation. Its secretariat is headquartered in France, where FIDH is a recognised NGO. FIDH's independence, expertise and objectivity are the hallmarks of its credibility. It maintains this by acting with complete transparency.

## Interaction: Local presence - global action

As a federal movement, FIDH operates on the basis of interaction with its member organisations. It ensures that FIDH merges on-the-ground experience and knowledge with expertise in international law, mechanisms of protection and intergovernmental bodies. This unique combination translates through joint actions between FIDH and its member organisations at national, regional and international levels to remedy human rights violations and consolidate processes of democratisation. It makes FIDH highly representational and legitimate.

## A system of governance: Universality and transparency

FIDH's structure and operations place its member organisations in the heart of the decision making process, and reflect its principles of governance.



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Opening speech by Khadija Cherif, Secretary General of FIDH, on the occasion of the OSCE Human Dimension Implementation Meeting.



# A Universal and Federalist movement

FIDH's organisation and mode of operation reflect the governance principles: everything is based on the 164 member organisations.

## The Congress

- Is composed of the 164 member organisations;
- Meets every three years;
- Discusses the FIDH thematic and geographical priorities and lays down the broad strategic orientations.

## The International Board

- Comprises 22 members (volunteers) from the member organisations. The Board is elected by the Congress and consists of the President, the Treasurer, 15 Vice-Presidents and 5 Secretary General;
- Outlines the strategic orientations according to the goals set by the Congress and approves the annual accounts;
- Meets three times a year and reports to the Congress.

## The Executive Board

- Is composed of the President, the Treasurer, 5 Secretaries General and 5 Deputy Secretary General;
- Deals with the day-to-day running of the organisation and

prepares the meetings of the International Board;

- Meets once a month and reports to the International Board.

## The International Secretariat

- Based in Paris, it is composed of a team of professionals under a Chief Executive Officer, a non-voting member of the International and the Executive Boards. The team is structured in by regions and action priorities; it is dispatched between the headquarters, permanent delegations before IGOs and regional offices. It also comprises a Communication and Development department, and an Administrative and Financial support department.
- Is in permanent contact with the actors in the field, and implements the decisions of the FIDH policy-making bodies in conjunction with the member organisations, the mission officers and members of the International and Executive Boards.

### Evaluation of Sida support to the FIDH (2007-2011)

*"FIDH has moral authority as an activist organisation for human rights, and its strength lies in the human rights work carried out by member leagues, and its network of experts. This bottom-up approach gives the Federation local and international legitimacy, and a global presence gives FIDH incomparable strength."*



Since January 2010, in the framework of the land conflict in the Region of Bajo Aguan, 51 people have been killed.

# 164 member organisations

**AFGHANISTAN**, ARMANSHAHR/OPEN ASIA / **ALBANIA**, ALBANIAN HUMAN RIGHTS GROUP (AHRG) / **ALGERIA**, COLLECTIF DES FAMILLES DE DISPARU(ES) EN ALGÉRIE (CFDA) / **ALGERIA**, LIGUE ALGÉRIENNE DE DÉFENSE DES DROITS DE L'HOMME (LADDH) / **ARGENTINA**, LIGA ARGENTINA POR LOS DERECHOS DEL HOMBRE (LADH) / **ARGENTINA**, COMITÉ DE ACCIÓN JURÍDICA (CAJ) / **ARGENTINA**, CENTRO DE ESTUDIOS LEGALES Y SOCIALES (CELS) / **ARMENIA**, CIVIL SOCIETY INSTITUTE (CSI) / **AUSTRIA**, ÖSTERREICHISCHE LIGA FÜR MENSCHENRECHTE (OLFM) / **AZERBAIJAN**, HUMAN RIGHTS CENTER OF AZERBAIJAN (HRCA) / **BAHRAIN**, BAHRAIN HUMAN RIGHTS SOCIETY (BHRS) / **BAHRAIN**, BAHRAIN CENTER FOR HUMAN RIGHTS (BCHR) / **BANGLADESH**, ODHIKAR / **BELARUS**, HUMAN RIGHTS CENTER VIASNA / **BELGIUM**, LIGA VOOR MENSCHENRECHTEN (LVM) / **BELGIUM**, LIGUE DES DROITS DE L'HOMME - BELGIQUE / **BENIN**, LIGUE POUR LA DÉFENSE DES DROITS DE L'HOMME AU BÉNIN (LDDHB) / **BOLIVIA**, ASAMBLEA PERMANENTE DE DERECHOS HUMANOS DE BOLIVIA (APDHB) / **BOTSWANA**, THE BOTSWANA CENTRE FOR HUMAN RIGHTS – DITSHWANELO / **BRAZIL**, MOVIMENTO NACIONAL DE DIREITOS HUMANOS (MNDH) / **BRAZIL**, JUSTIÇA GLOBAL (CJG) / **BURKINA FASO**, MOUVEMENT BURKINABÉ DES DROITS DE L'HOMME ET DES PEUPLES (MBDHP) / **BURMA**, ALTSEAN BURMA / **BURUNDI**, LIGUE BURUNDAISE DES DROITS DE L'HOMME (ITEKA) / **CAMBODIA**, CAMBODIAN HUMAN RIGHTS AND DEVELOPMENT ASSOCIATION (ADHOC) / **CAMBODIA**, LIGUE CAMBODGIENNE DE DÉFENSE DES DROITS DE L'HOMME (LICADHO) / **CAMEEROON**, MAISON DES DROITS DE L'HOMME (MDH) / **CANADA**, LIGUE DES DROITS ET DES LIBERTÉS DU QUÉBEC (LDL) / **CENTRAL AFRICAN REPUBLIC**, LIGUE CENTRAFRICAINE DES DROITS DE L'HOMME (LCDH) / **CENTRAL AFRICAN REPUBLIC**, ORGANISATION POUR LA COMPASSION DES FAMILLES EN DÉTRESSE (OCODEFAD) / **CHAD**, LIGUE TCHADIENNE DES DROITS DE L'HOMME (LTDH) / **CHAD**, ASSOCIATION TCHADIENNE POUR LA PROMOTION ET LA DÉFENSE DES DROITS DE L'HOMME (ATPDH) / **CHILE**, OBSERVATORIO CUIDADANO / **CHILE**, CORPORACION DE PROMOCION Y DEFENSA DE LOS DERECHOS DEL PUEBLO (CODEPU) / **CHINA**, HUMAN RIGHTS IN CHINA / **COLOMBIA**, CORPORACION COLECTIVO DE ABOGADOS JOSÉ ALVEAR RESTREPO CCAJAR / **COLOMBIA**, INSTITUTO LATINOAMERICANO DE SERVICIOS LEGALES ALTERNATIVOS (ILSA) / **COLOMBIA**, ORGANIZACIÓN FEMENINA POPULAR (OFP) / **COLOMBIA**, COMITE PERMANENTE POR LA DEFENSA DE LOS DERECHOS HUMANOS (CPDH) / **CONGO**, OBSERVATOIRE CONGOLAIS DES DROITS DE L'HOMME (OCDH) / **COSTA RICA**, ASOCIACIÓN DE SERVICIOS DE PROMOCIÓN LABORAL (ASEPROLA) / **CÔTE D'IVOIRE**, MOUVEMENT IVOIRIEN DES DROITS HUMAINS (MIDH) / **CÔTE D'IVOIRE**, LIGUE IVOIRIENNE DES DROITS DE L'HOMME (LIDHO) / **CROATIA**, CIVIC COMMITTEE FOR HUMAN RIGHTS (CCHR) / **CUBA**, COMISION CUBANA DE DERECHOS HUMANOS Y RECONCILIACION NACIONAL (CCDH) / **CZECH REPUBLIC**, HUMAN RIGHTS LEAGUE (HRL) - LIGA LIDSKYCH PRAV / **DEMOCRATIC REPUBLIC OF THE CONGO**, LIGUE DES ÉLECTEURS (LE) / **DEMOCRATIC REPUBLIC OF THE CONGO**, GROUPE LOTUS / **DEMOCRATIC REPUBLIC OF THE CONGO**, ASSOCIATION AFRICAINE DES DROITS DE L'HOMME (ASADHO) / **DJIBOUTI**, LIGUE DJIBOUTIENNE DES DROITS HUMAINS (LDDH) / **DOMINICAN REPUBLIC**, CND COMISIÓN NACIONAL DE LOS DERECHOS HUMANOS Y, INC / **ECUADOR**, FUNDACIÓN REGIONAL DE ASESORIA EN DERECHOS HUMANOS (INREDH) / **ECUADOR**, CENTRO DE DERECHOS ECONOMICOS Y SOCIALES (CDES) / **ECUADOR**, COMISIÓN ECUMÉNICA DE DERECHOS HUMANOS (CEDHU) / **EGYPT**, CAIRO INSTITUTE FOR HUMAN RIGHTS STUDIES (CIHRS) / **EGYPT**, HUMAN RIGHTS ASSOCIATION FOR THE ASSISTANCE OF PRISONERS (HRAAP) / **EGYPT**, EGYPTIAN ORGANIZATION FOR HUMAN RIGHTS (EOHR) / **EL SALVADOR**, COMISION DE DERECHOS HUMANOS DEL SALVADOR (CDHES) / **ETHIOPIA**, HUMAN RIGHTS COUNCIL (HRCO) / **EUROPE**, ASSOCIATION EUROPEENNE POUR LA DÉFENSE DES DROITS DE L'HOMME (AEDH) / **FINLAND**, FINNISH LEAGUE FOR HUMAN RIGHTS (FLHR) - IHMISOIKEUSLIITTO / **FRANCE**, LIGUE DES DROITS DE L'HOMME ET DU CITOYEN (LDH) / **FRENCH POLYNESIA**, LIGUE POLYNÉSIIENNE DES DROITS HUMAINS (LPDH) / **GEORGIA**, HUMAN RIGHTS CENTER (HRDC) / **GERMANY**, INTERNATIONALE LIGA FÜR MENSCHENRECHTE (ILMR) / GREAT-BRITAIN, LIBERTY / GREECE, HELLENIC LEAGUE FOR HUMAN RIGHTS (HLHR) / **GUATEMALA**, COMISION DE DERECHOS HUMANOS DE GUATEMALA (CDHG) / **GUATEMALA**, CENTRO DE ACCIÓN LEGAL EN DERECHOS HUMANOS (CALDH) / **GUINEA-BISSAU**, LIGA GUINEENSE DOS DIREITOS HUMANOS (LGDH) / **GUINEA-CONAKRY**, ORGANISATION GUINEENNE DE DÉFENSE DES DROITS DE L'HOMME ET DU CITOYEN (OGDH) / **HAITI**, COMITE DES AVOCATS POUR LE RESPECT DES LIBERTÉS INDIVIDUELLES (CARLI) / **HAITI**, CENTRE OECUMENIQUE DES DROITS HUMAINS (CEDH) / **HAITI**, RÉSEAU NATIONAL DE DÉFENSE DES DROITS DE L'HOMME (RNDDH) / **HONDURAS**, CENTRO DE INVESTIGACIÓN Y PROMOCIÓN DE LOS DERECHOS HUMANOS (CIPRODEH) / **INDIA**, COMMONWEALTH HUMAN RIGHTS INITIATIVE (CHRI) / **IRAN**, DEFENDERS OF HUMAN RIGHTS CENTER IN IRAN (DHRC) / **IRAN**, LIGUE POUR LA DÉFENSE DES DROITS DE L'HOMME EN IRAN (LDDHI) / **IRAQ**, IRAQI NETWORK FOR HUMAN RIGHTS CULTURE AND DEVELOPMENT (INHRC) / **IRELAND**, FREE LEGAL ADVICE CENTRES LIMITED (FLAC) / **IRELAND**, IRISH COUNCIL FOR CIVIL LIBERTIES (ICCL) / **ISRAEL**, B'TSELEM / **ISRAEL**, ASSOCIATION FOR CIVIL RIGHTS IN ISRAEL (ACRI) / **ISRAEL**, PUBLIC COMMITTEE AGAINST TORTURE IN ISRAEL (PCATI) / **ISRAEL**, ADALAH / **ITALY**, LEGA ITALIANA DEI DIRITTI DELL'UOMO (LIDU) / **ITALY**, UNIONE FORENSE PER LA TUTELA DEI DIRITTI DELL'UOMO (UFTDU) / **JAPAN**, CENTER FOR PRISONERS' RIGHTS (CPR) / **JORDAN**, AMMAN CENTER FOR HUMAN RIGHTS STUDIES (ACHRS) / **KENYA**, KENYA HUMAN RIGHTS COMMISSION (KHRC) / **KOSOVO**, COUNCIL FOR THE DEFENSE OF HUMAN RIGHTS AND FREEDOMS (CDHFR) / **KYRGYZSTAN**, HRC CITIZENS AGAINST CORRUPTION (CAC) / **KYRGYZSTAN**, KYRGYZ COMMITTEE FOR HUMAN RIGHTS (KCHR) / **KYRGYZSTAN**, LEGAL CLINIC ADILET / **KYRGYZSTAN**, KYLYM SHAMY / **LAOS**, MOUVEMENT LAO POUR LES DROITS DE L'HOMME (MLDH) / **LATVIA**, LATVIAN HUMAN RIGHTS COMMITTEE (LHRC) / **LEBANON**, ASSOCIATION LIBANAISE DES DROITS DE L'HOMME (ALDHOM) / **LEBANON**, PALESTINIAN HUMAN RIGHTS ORGANIZATION (PHRO) / **LIBERIA**, REGIONAL WATCH FOR HUMAN RIGHTS (LWHR) / **LIBYA**, LIBYAN LEAGUE FOR HUMAN RIGHTS (LLH) / **LITHUANIA**, LITHUANIAN HUMAN RIGHTS ASSOCIATION (LHRA) / **MALAYSIA**, SUARA RAKYAT MALAYSIA (SUARAM) / **MALI**, ASSOCIATION MALIENNE DES DROITS DE L'HOMME (AMDH) / **MALTA**, MALTA ASSOCIATION OF HUMAN RIGHTS/ FONDATION DE MALTE / **MAURITANIA**, ASSOCIATION MAURITANIEENNE DES DROITS DE L'HOMME (AMDH) / **MEXICO**, LIGA MEXICANA POR LA DEFENSA DE LOS DERECHOS HUMANOS (LIMEDDH) / **MEXICO**, COMISION MEXICANA DE DEFENSA Y PROMOCION DE LOS DERECHOS HUMANOS (CMDPDH) / **MOLDOVA**, LEAGUE FOR DEFENCE OF HUMAN RIGHTS OF MOLDOVA (LADOM) / **MOROCCO**, ORGANISATION MAROCAINE DES DROITS DE L'HOMME (OMDH) / **MOROCCO**, ASSOCIATION MAROCAINE DES DROITS HUMAINS (AMDH) / **MOZAMBIQUE**, LIGA MOCANBICANA DOS DIREITOS HUMANOS (LMDDH) / **NEW CALEDONIA**, LIGUE DES DROITS ET DU CITOYEN DE NOUVELLE CALÉDONIE (LDHNC) / **NICARAGUA**, CENTRO NICARAGUENSE DE DERECHOS HUMANOS (CENIDH) / **NIGER**, ASSOCIATION NIGERIENNE POUR LA DÉFENSE DES DROITS DE L'HOMME (ANDDH) / **NIGERIA**, CIVIL LIBERTIES ORGANISATION (CLO) / **NORTHERN IRELAND**, COMMITTEE ON THE ADMINISTRATION OF JUSTICE (CAJ) / **PAKISTAN**, HUMAN RIGHTS COMMISSION OF PAKISTAN (HRCP) / **PALESTINE**, PALESTINIAN CENTRE FOR HUMAN RIGHTS (PCHR) / **PALESTINE**, AL HAQ / **PALESTINE**, RAMALLAH CENTRE FOR HUMAN RIGHTS STUDIES (RCHRS) / **PANAMA**, CENTRO DE CAPACITACIÓN SOCIAL DE PANAMÁ (CCS) / **PERU**, ASOCIACION PRO DERECHOS HUMANOS (APRODEH) / **PERU**, CENTRO DE DERECHOS Y DESARROLLO (CEDAL) / **PHILIPPINES**, PHILIPPINE ALLIANCE OF HUMAN RIGHTS ADVOCATES (PAHRA) / **PORTUGAL**, CIVITAS / **ROMANIA**, THE LEAGUE FOR THE DEFENSE OF HUMAN RIGHTS (LADO) / **RUSSIA**, ANTI-DISCRIMINATION CENTER MEMORIAL (ADC MEMORIAL) / **RUSSIA**, CITIZENS' WATCH (CW) / **RUSSIA**, RUSSIAN RESEARCH CENTER FOR HUMAN RIGHTS (RRCHR) / **RWANDA**, COLLECTIF DES LIGUES POUR LA DÉFENSE DES DROITS DE L'HOMME (CLADHO) / **RWANDA**, ASSOCIATION RWANDAISE POUR LA DÉFENSE DES DROITS DE LA PERSONNE ET DES LIBERTÉS PUBLIQUES (ADL) / **RWANDA**, LIGUE RWANDAISE POUR LA PROMOTION ET LA DÉFENSE DES DROITS DE L'HOMME (LIPRODHOR) / **SENEGAL**, ORGANISATION NATIONALE DES DROITS DE L'HOMME (ONDH) / **SENEGAL**, RENCONTRE AFRICAINE POUR LA DÉFENSE DES DROITS DE L'HOMME (RADDHO) / **SERBIA**, CENTER FOR PEACE AND DEMOCRACY DEVELOPMENT (CPDD) / **SPAIN**, ASOCIACION PRO DERECHOS HUMANOS DE ESPAÑA (APDHE) / **SPAIN**, FEDERACION DE ASOCIACIONES DE DEFENSA Y PROMOCION DE LOS DERECHO (FDDHH) / **SUDAN**, SUDAN HUMAN RIGHTS MONITOR (SUHRM) / **SUDAN**, AFRICAN CENTER FOR JUSTICE AND PEACE STUDIES (ACJPS) / **SWITZERLAND**, LIGUE SUISSE DES DROITS DE L'HOMME (LSDH) / **SYRIA**, DAMASCUS CENTER FOR HUMAN RIGHTS STUDIES (DCHRS) / **SYRIA**, COMMITTEES FOR THE DEFENSE OF DEMOCRACY FREEDOMS AND HUMAN RIGHTS (CDF) / **TAIWAN**, TAIWAN ASSOCIATION FOR HUMAN RIGHTS (TAHR) / **TANZANIA**, THE LEGAL AND HUMAN RIGHTS CENTRE (LHRC) / **THAILAND**, UNION FOR CIVIL LIBERTIES (UCL) / **THE NETHERLANDS**, LIGA VOOR DE RECHTEN VAN DE MENS (LVRM) / **TIBET**, INTERNATIONAL CAMPAIGN FOR TIBET (ICT) / **TOGO**, LIGUE TOGOLAISE DES DROITS DE L'HOMME (LTDH) / **TUNISIA**, LIGUE TUNISIENNE DES DROITS DE L'HOMME (LTDH) / **TUNISIA**, ASSOCIATION TUNISIENNE DES FEMMES DÉMOCRATES (ATFD) / **TUNISIA**, CONSEIL NATIONAL POUR LES LIBERTÉS EN TUNISIE (CNLT) / **TURKEY**, İNSAN HAKLARI DERNEĞİ (İHD) / **TURKEY**, HUMAN RIGHTS FOUNDATION OF TURKEY (HRFT) - TÜRKİYE İNSAN HAKLARI VAKFI / **TURKEY**, İNSAN HAKLARI DERNEĞİ (İHD) / **UGANDA**, FOUNDATION FOR HUMAN RIGHTS INITIATIVE (FHRI) / **UNITED STATES OF AMERICA**, CENTER FOR CONSTITUTIONAL RIGHTS (CCR) / **UNITED STATES OF AMERICA**, CENTER FOR JUSTICE & ACCOUNTABILITY (CJA) / **UZBEKISTAN**, HUMAN RIGHTS SOCIETY OF UZBEKISTAN (HRSU) / **UZBEKISTAN**, LEGAL AID SOCIETY (LAS) / **VIETNAM**, COMITÉ VIETNAM POUR LA DÉFENSE DES DROITS DE L'HOMME (CVDH) / **YEMEN**, HUMAN RIGHTS INFORMATION AND TRAINING CENTER (HRITC) / **YEMEN**, SISTERS' ARAB FORUM FOR HUMAN RIGHTS (SAF) / **ZIMBABWE**, ZIMBABWE HUMAN RIGHTS ASSOCIATION (ZIMRIGHTS).

# International Board

## PRESIDENT



Souhayr BELHASSEN  
Tunisia

## TREASURER



Jean-François PLANTIN  
France

## VICE-PRESIDENTS



Yusuf ALATAS  
Turkey



Aliaksandr BIALIATSKI  
Belarus



Amina BOUAYACH  
Morocco



Juan Carlos CAPURRO  
Argentina



Katherine GALLAGHER  
United States of America



Soraya GUTIEREZ ARGUELLO  
Colombia



Asma JILANI JAHANGIR  
Pakistan



Dismas KITENGE SENG  
Democratic Republic  
of the Congo



Kristiina KOUROS  
Finland



Karim LAHIDI  
Iran



Fatimata MBAYE  
Mauritania



Raji SOURANI  
Palestine



Arnold TSUNGA  
Zimbabwe



Dan VAN RAEMDONCK  
Belgium



Paulina VEGA GONZALEZ  
Mexico

## SECRETARIES GENERAL



Roger BOUKA OWOKO  
Congo



Khadija CHERIF  
Tunisia



Luis GUILLERMO PEREZ  
Colombia



Artak KIRAKOSYAN  
Armenia



Paul NSAPU MUKULU  
Democratic Republic  
of the Congo

## HONORARY PRESIDENTS

Sidiki KABA  
Senegal

Patrick BAUDOUIN  
France

Daniel JACOBY  
France

Michel BLUM  
France

## DEPUTY SECRETARIES GENERAL

Florence BELLIVIER  
France

Sophie BESSIS  
Tunisia

Nabeel RAJAB  
Bahrain

Amandine REGAMEY  
France

Debbie STOTHARD  
Malaysia

## PERMANENT DELEGATES

Hafez ABU SEADA  
before the League  
of Arab States (LAS)

Dobian ASSINGAR  
before the Economic  
Community of African States  
(CEMAC)

Michael ELLMAN  
before the Commonwealth

Mabassa FALL  
before the African Union (AU)

Vilma NUÑEZ DE ESCORCIA  
before the Organization  
of American States (OAS)

Nabeel RAJAB  
before the Gulf Cooperation  
Council (GCC)

Debbie STOTHARD  
before the Association  
of Southeast Asian Nations  
(ASEAN)



# International Secretariat

DECEMBER, 31<sup>ST</sup> 2011



Antoine BERNARD  
Chief Executive Officer



Juliane FALLOUX  
Executive Director



Corinne BEZIN  
Director Finance  
and Administration



Isabelle CHEBAT  
Director of Communication  
and Development

## ADMINISTRATION, FINANCES AND HUMAN RESOURCES

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Kate COLES  
Head of Fundraising



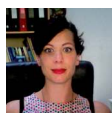
Sergueï FUNT  
Financial Controller



Marie-France BURQ  
Human Resources  
Manager



Samia MERAH  
Accountant



Charline Fralin  
Assistant CEO and  
Executive Director



Tony MINET  
Assistant Accountant

## COMMUNICATION AND DEVELOPMENT

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Nicolas BARRETO DIAZ  
Head of Information  
Systems Webmaste



Karine APPY  
Head of Press Office



Arthur MANET  
Press Officer



Céline BALLEREAU TETU  
Head of Publications



Christophe GARDAIS  
Publications Officer



Lidya OGBAZGHI  
Executive  
Assistant - Secretary



**Marceau SIVIEUDE**  
**Interim**  
**Director of operations**  
 (in the absence of Isabelle Brachet)  
 and director of Africa Desk, based in Nairobi



**Antoine MADELIN**  
**Director of IGO Activities**

## RESEARCH AND OPERATIONS



**David KNAUTE**  
**Head of Asia Desk**



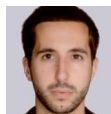
**Shiwei YE**  
**Permanent Representative**  
**ASEAN, in Bangkok**



**Florent GEEL**  
**Head of Africa Desk**



**Tchérina JEROLON**  
**Programme Officer**  
**Africa Desk**



**Antonin RABECQ**  
**Project coordinator**  
**in Guinea**



**Jimena REYES**  
**Head of Americas Desk**



**Claire COLARDELLE**  
**Programme Officer**  
**Americas Desk**



**Alexandra KOULAEVA**  
**Head of Eastern Europe**  
**and Central Asia Desk**



**Vanessa RIZK**  
**Programme Officer**  
**Eastern Europe**  
**and Central Asia Desk**



**Stéphanie DAVID**  
**Head of Middle East**  
**North Africa Desk,**  
**based in Cairo**



**Marie CAMBERLIN**  
**Head of Middle East**  
**North Africa Desk**



**Salma EL HOSEINY,**  
**Consultant,**  
**based in Cairo**



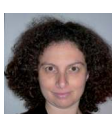
**Elin WRZONCKI**  
**Head of Globalisation**  
**and Human Rights Desk**



**Geneviève PAUL**  
**Programme Officer**  
**Globalisation and**  
**Human Rights Desk**



**Katherine BOOTH**  
**Head of Women's Rights**  
**and Migrants' Rights**  
**Desk**



**Karine BONNEAU**  
**Head of International**  
**Justice Desk**



**Mariana PENA**  
 (till october 2011)  
**Permantent Representative**  
**International Criminal Court,**  
**in The Hague**



**Delphine CARLENS**  
**Programme Officer**  
**International Justice Desk**



**Alexandra POMEON**  
**Head of Observatory**  
**for the Protection of**  
**Human Rights Defenders**



**Hugo GABBERO**  
**Programme Officer**  
**Observatory for the**  
**Protection of Human**  
**Rights Defenders**

## MOBILISATION OF INTERNATIONAL INTERGOVERNMENTAL ORGANISATIONS



**Grégoire THERY**  
**Permanent Representative,**  
**European Union,**  
**in Brussels**



**Jean-Marie ROGUE**  
**Delegate to**  
**European Union,**  
**in Brussels**



**Catherine ABSALOM**  
**Assistant,**  
**European Union,**  
**in Brussels**



**Julie GROMELLON**  
**Permanent Representative**  
**United Nations, in Geneva**



**Glenn PAYOT**  
**Delegate to**  
**the United Nations,**  
**in Geneva**



**Michelle KISSENKOETTER**  
**Advocacy Consultant**  
**to the United Nations**  
**in New York**



## Priority 1

# Protect and support human rights defenders

### Context and Challenges

During 2011, an unprecedented popular protest movement based on claims linked to the right to dignity, freedom and denouncing social injustice and corruption shook the Arab world. These movements focused on the legitimacy and universality of the struggle led for several years by human rights defenders in draconian states which have hidden behind so-called political, cultural, or religious identity particularities to violate the fundamental rights of individuals. While this argument is no longer convincing in face of popular aspirations, the need to protect these defenders and support their work is more relevant than ever.

In 2011 there were daily attacks on, and confrontations with, these defenders. They were particularly numerous in the context of the Arab Spring where the defenders led and/or participated in the popular protest movements, denouncing repression by the authorities (Bahrain, Egypt, Libya, Syria, Tunisia, etc.).

Threats to the physical and moral integrity of these defenders and their harassment were also very present in situations of conflict or post conflict (Columbia, Ivory Coast, Sri Lanka, Somalia, etc.). Other major trends of repression confirmed in 2011, where human rights defenders working toward the respect of economic and social rights and corporate responsibility on human rights violations as well as those working on LGBT rights were particularly at risk.

Moreover, the techniques of repression of human rights defenders are becoming increasingly sophisticated. The spurious use of the law and the judicial system characterises the current repressive environment (Algeria, Bahrain, Belarus, Burma, Cambodia, Cameroon, China, Columbia, Djibouti, Egypt, Ecuador, Gambia, Iran, Malaysia, Mexico, Peru, the Russian Federation, Somalia, Syria, Sudan, Thailand, Turkmenistan, Turkey, Uzbekistan, Vietnam, Yemen, and Zimbabwe). The defenders who are subjected to legal harassment are often secretly detained before being subjected to expedited proceedings (Bahrain, Egypt, Iran, Syria) or can face on the contrary extremely lengthy proceedings (Russian Federation, Kyrgyzstan, The Gambia, Turkey), which become a sentence in itself.

Finally, freedom of association, the first condition of existence of human rights NGOs, continues to be heavily constrained in

many countries (Algeria, Azerbaijan, Bahrain, Bangladesh, Belarus, Egypt, Ethiopia, Gambia, Iran, Syria, and Turkmenistan).

In this particularly difficult environment, despite efforts by regional and international protection mechanisms, the protection capacity remains inadequate, in the face of many challenges, including attacks vis-à-vis the scope of their mandate, their operation, and the lack of implementation of their recommendations. In recent years, the "issue of defenders" has been almost ubiquitous on policy agendas. However, the action of states and international institutions sometimes lacks consistency, and is too limited to participate in a strategy of prevention and protection of defenders.

*All the activities related to the protection of human rights defenders are carried out within the framework of the Observatory for the Protection of Human Rights Defenders, a programme started in 1997 by FIDH with the World Organisation Against Torture (Organisation mondiale contre la torture – OMCT). Together, FIDH and OMCT unite approximately 460 local non governmental organisations. This partnership provides for the pooling together of expertise and networks.*

*In addition to the activity carried out through the Observatory, FIDH developed activities to reinforce the capacity of action (training, equipment, physical and digital security), and the visibility of those acting in defence of human rights with Web and audiovisual supports.*

### Activities

#### > Protecting human rights defenders in unsafe or repressive situations

##### Daily alert

The Observatory produced 331 urgent interventions (urgent appeals, press releases and open or closed letters to the authorities, disseminated in several languages), relating to 58 countries, dealing with cases involving 887 defenders and 41 human rights NGOs. These actions helped to increase the visibility of proven violations, mobilise protection mechanisms, challenge the relevant national political and judicial authorities, and thus either to obtain a judgement against, or to mitigate, the violation. In 2011, FIDH

expanded its warning techniques by producing 14 audiovisual witness testimonies of human rights defenders in danger and issuing numerous tweets to increase mobilisation around its alerts.

### **Supporting human rights defenders in danger**

In the face of imminent dangerous situations, the Observatory provided urgent material assistance to human rights defenders in Bahrain, Belarus, China, Columbia, Cuba, DRC, Ethiopia, Ivory Coast, Mexico, Syria, Uganda, Uzbekistan and Yemen, for temporary or permanent relocation, either in their country, the sub region or on another continent. Thus, evacuation plans were implemented to exfiltrate defenders from Syria and the Ivory Coast during conflicts in these countries, where they were being particularly sought by security forces for denouncing human rights violations.

The Observatory also allowed Fidèle Bazana's family, a human rights defender who disappeared in 2010 in the DRC, to settle in France, because of threats related to their participation in the proceedings against the alleged perpetrators of the crime and their fight against impunity for this crime (see Focus). The assistance has also sometimes resulted in the granting of basic necessities to human rights defenders illegally detained in Belarus, China, Cambodia, Rwanda and Uzbekistan by contributing to medical (Algeria, DRC, Uzbekistan) or legal (Belarus, Lebanon, Malaysia) expenses.

Furthermore, the Observatory led solidarity missions in the DRC and Tunisia. In Tunisia, in January 2011, when the major revolution was well under way, a delegation met and accompanied the lawyers who denounced the repression of the popular protest movement.

### **Responding to legal harassment of which human rights defenders are victims**

To address this method of repression and the needs of human rights defenders, the Observatory increased the number of such trial observations. To that end, it consolidated its network of solidarity, particularly with the International Association of Lawyers (*Union internationale des Avocats* – UIA), the Paris Bar Association, the International Conference of Francophone Bar Associations of Common Tradition (*Conférence internationale des barreaux de tradition juridique commune* – CIB) and the Hisham Mubarak Law Center (Egypt).

The Observatory was particularly active in Ales Bialiatski's case, President of the "Viasna" Human Rights Centre and Vice President of FIDH (Belarus), arrested in August 2011 and held on the false pretext of violating tax regulations, with the objective of silencing his criticisms on the irregularities of the electoral process in December 2010. Three (3) successive missions allowed to observe the proceedings and document procedural irregularities (see Part VII of this report). The Observatory also denounced the procedural irregularities in the case related to the assassination of Ernest Manirumva, Vice President of the Anti corruption and Economic Malpractice Observatory (*Observatoire de lutte contre la corruption et les malversations économiques* – OLUCOME) (Burundi), and to the assassinations of Floribert Chebeya and Fidèle Bazana

(President and member of the Voice of the Voiceless [*Voix des sans voix* – VSV]) in the DRC, which resulted to impunity for the perpetrators of these major crimes (see Focus). The Observatory has also followed the proceedings against Hector Fernandez, a Malaysian defender, sued by the company that had been the subject of his denunciations of violations of labour law. This intervention has influenced the decision of a conciliatory agreement between the company and the accused. The Observatory's attention to the proceedings against Oleg Orlov, President of the Executive Committee of the Human Rights Centre "Memorial" (Russia) and Pinar Selek, a Turkish activist, will have also contributed to international mobilisation and impacted on the decisions of acquittal in their favour (see Focus).

### **Documenting**

The Observatory led investigative missions in Zimbabwe and Columbia, countries where the situation of human rights defenders are particularly serious, in order to better analyse the trends of repression and formulate specific recommendations. Reports with similar objectives were published in 2011 on the situation of defenders in Nicaragua and The Gambia.

### **Using intergovernmental protection mechanisms**

All urgent actions and Observatory reports were addressed to international and regional protection mechanisms in order to mobilise them. human rights defenders were also invited to participate in the following sessions: ACHPR (African Commission on Human and Peoples' Rights) sessions (Ivory Coast, Zimbabwe, DRC, Senegal, Burundi), the Human Rights Council (event on social protests and democracies – Belarus, Columbia), the OSCE (Organisation for Security and Cooperation in Europe) (Kyrgyzstan); and to meet with EU institutions (Cambodia, Mexico, DRC) to denounce repressive situations. These bodies have mostly adopted statements setting out the concerns of the Observatory on the need to protect human rights defenders, and agreed to hold bilateral discussions with the states involved. Moreover, throughout the year, the Observatory continued to fuel the human rights defenders' inter-mechanisms website (<http://www.humanrights-defenders.org>), which it initiated.

### **Using legal handles and extra-conventional mechanisms**

The Observatory mandated a lawyer to represent the three Sudanese defenders who brought a complaint against Sudan before the ACHPR to denounce acts of abuse and torture. In 2011, the Observatory also prepared a referral of the Working Group of the UN on arbitrary detention with respect to the case of Ales Bialiatski.

## **> Reinforcing the capacity of action of human rights defenders**

### **Actions for a favourable policy and legislative framework**

To address the incompatibility of national legislation with international standards, an increasingly pervasive phenomenon, this year the Observatory reinforced its actions encouraging greater respect for the establishment of the fundamental freedoms of opinion, expression, association, assembly and peaceful assembly at the national level.



Thus, the 2011 fact-finding missions in Zimbabwe and in Columbia as well as the fact-finding reports published on Nicaragua and Gambia or trial observations reports published on Burundi, the DRC, Syria, the Russian Federation and France, led to specific recommendations being issued for the states involved to have their legislation comply with relevant provisions of regional and international protection agreements.

An important interface was organised with the European Union, with the participation of the President of the Cambodian League for the Promotion and Defence of Human Rights (LICADHO) to denounce the Cambodian draft bill on associations. This cumulative action coupled with the interpellation of the Cambodian authorities and numerous press releases led to the suspension of the controversial text being presented in Parliament.

Furthermore, in June the Observatory contributed to, and participated in, a roundtable in Kinshasa organised by the Lotus Group (*Groupe Lotus – GL*) on the protection of human rights defenders in the DRC. This session helped to initiate a dialogue between representatives of

the authorities (Ministries of Justice and Human Rights, Interior, and Defence), embassies, the ACHPR, the OIF and approximately one hundred human rights NGOs, on this sensitive topic within a particularly tense context one year after the assassination of human rights defenders Chebeya and Bazana. On this occasion, civil society organisations were able to enhance their awareness about the bill on the protection of human rights defenders initiated by the Minister of Justice and Human Rights and to propose the amendments they wished to bring to the Government representatives before Parliament reviewed the text. Recommendations have also emerged from the roundtable on the establishment of forums for dialogue between the authorities and the defenders and the establishment of a National Commission on Human Rights in accordance with the Paris Principles. A follow-up to these recommendations will be carried out in 2012.

### Securing the action of human rights defenders

To improve the capacity of action by human rights defenders, FIDH has provided material support by offering equipment to numerous organisations and contributed, where appropriate, to cover costs of renting of office space.

## OUTPUTS / ACTIVITIES

### Urgent interventions

331 with respect to cases of violations of rights of 887 defenders and 41 NGOs in 58 countries

### Material and emergency assistance

Assistance provided to 33 defenders, including members of their families

### Equipment

30 NGOs duly equipped (IT, audio-visual, communication equipment etc.)

### Formation

Training of over 20 defenders in strategies to secure information systems

### Referral of the IGOs:

- 331 urgent interventions sent to the relevant international and regional human rights defenders' protection mechanism
- A dozen defenders invited to participate in advocacy activities in IGO/ mechanisms
- 5 events and meetings (with institutional and state actors) on the following countries: Ivory Coast, DRC, Burundi, Cambodia, Georgia, Azerbaijan, Belarus, Kyrgyzstan, Turkey, Russia, Mexico
- Support to the communication introduced by three defenders against Sudan to denounce acts of abuse and torture

### Judicial observation missions:

- 9 missions, covering 7 cases against 8 defenders
- **Belarus** (3 missions in October and November 2011)
- **Burundi** (January)
- **Democratic Republic of Congo** (March)
- **Malaysia** (August)
- **Russian Federation** (June and October – 2 open cases)
- **Turkey** (February)

### Fact-finding and solidarity missions

- **Columbia** (November)
- **Zimbabwe** (December)
- **Tunisia** (January)
- **Democratic Republic of Congo** (June and July)

### Fact-finding and judicial observation missions' reports

- **The Gambia**: Climate of Fear for Human Rights Defenders, July, (FR, EN)
- **Nicaragua**: “Violaciones en contra de los defensores de derechos humanos en un contexto de polarización política frente a las elecciones” [“Violations Against Human Rights Defenders within a Context of Political Polarisation ahead of Elections”], November (ES)
- **Syria**: “Joint Report of Judicial Observation”, February, (FR, EN, AR)
- **France**: “The Offence of Solidarity Upheld

on Appeal”, (FR)

- **Democratic Republic of Congo**: “The Unfinished Trial of the Assassinations of Floribert Chebeya and Fidèle Bazana”, June, (FR)
- **Russian Federation**: Observation of the Proceedings against Human Rights Defender Aleksei Sokolov, July, (EN)
- **Burundi**: The Assassination of Ernest Manirumva, Two Years Later, a Denial of Justice, April, (FR)

### Audiovisual Reports

- On the situation of human rights defenders in **Eastern Europe and Central Asia**, November
- On the situation of human rights defenders in **Nicaragua**, November
- Support for the production of the documentary movie on **the Chebeya case** by film maker Thierry Michel

### Annual Report of the Observatory

The 2011 annual report of the Observatory (covering 70 countries) was published and distributed in English, Arab, Spanish, French and Russian. Twenty one (21) press conferences were organised in some twenty countries on five continents in partnership with local partner organisations of FIDH and OMCT

Thus several organisations have been equipped with means of communication and information technology (Afghanistan, Bolivia, Burundi, Cambodia, Chad, Congo, DRC, Guinea, Haiti, Ivory Coast, Kenya, Kirghizstan, Niger, Rwanda, Tunisia). For example, in Bolivia, the organisation which was provided with this equipment was able to produce commercials on human rights, and was able in Kyrgyzstan to collect audio testimonies from victims.

Moreover, secure data storage tools were provided to organisations in Burundi, Cameroon, Djibouti, Egypt, The Gambia, Guinea, Ivory Coast, Rwanda, Sudan, Togo and Tunisia. The awarding of these tools has been accompanied by training on techniques for secure information systems. A handbook entitled "The 10 Commandments" outlining the most important recommendations was produced, translated and distributed to human rights defenders.

Finally, FIDH provided equipment for the safety of NGO offices (Afghanistan, Belarus, Botswana, Chile, Columbia, Congo, DRC, Guinea, Haiti, Ivory Coast, Kyrgyzstan, Liberia, Togo, Tunisia and Turkmenistan). Thus, for example, in Belarus, FIDH provided video surveillance cameras and electronic security systems to secure six (6) regional offices of an organisation. These measures allowed the organisation to secure data while searches were conducted on its premises.

#### **Visibility of messages and the situation of human rights defenders**

In October the Observatory also published its Annual Report to that extent, the only tool of its kind which presents the political context by country in which human rights defenders have operated in 2010-2011 as well as the main trends of repression. Its dissemination was ensured through some twenty (20) press conferences, including in New York, on the occasion of the 66th session of UN General Assembly, in the presence of Margaret Sekaggya, UN Special Rapporteur on Human Rights Defenders.

In September 2011, the Observatory produced a video documentary on the working context of human rights defenders in Eastern Europe – Central Asia. The human rights defenders of the region reported on the restrictive environment in which they operate, and the main trends of repression against them.

Moreover, the Observatory supported the production of a documentary movie by famous film maker Thierry Michel (Congo River, Katanga Business) on the assassination of human rights defenders Floribert Chebeya and Fidèle Bazana in the DRC (see Focus).

In addition to these protection actions, FIDH continued its activities of protection of the messages carried by human rights defenders towards their national authorities and the international community. The means of action were diverse. They went from organising interactions with the IGOs to developing activities aimed at mobilising public opinion, the media, social networks and other influential actors for the protection of defenders. FIDH then developed a specific Internet application on the situation of human rights defenders in Uzbekistan.

## **Some results**

### **At the national level**

- 295 human rights defenders released.
- 59 defenders acquitted, following dismissal of charges or amnesty (Russia, Turkey, Mauritius, Djibouti, Egypt, Gambia, Uzbekistan, Syria, Tunisia, etc).
- Relocation of 18 human rights defenders (Bahrain, Columbia, Cuba, DRC, Ethiopia, Ivory Coast, Mexico, Syria, Uzbekistan).
- More than 20 defenders trained in information systems and data storage security.
- Approximately 30 NGOs equipped and able to pursue or strengthen their activities.
- Sentencing of 5 of the main perpetrators of the assassination of Foribert Chebeya and Fidèle Bazana, President and member of the VSV.
- Deferral of the submission of the draconian Bill on Associations to the Parliament of Cambodia.
- Contribution to the establishment of forums for dialogue between the authorities and Congolese civil society.
- Contribution to obtaining legal status of the Forum for the Strengthening of Civil Society (*Forum pour le renforcement de la société civile* – FORSC, a Burundian coalition of CSOs), whose approval had been cleared then withdrawn by the Ministry of Interior.

### **At the international level**

- The adoption by the ACHPR of a resolution on the situation of human rights defenders in Africa on the occasion of its 50<sup>th</sup> session.
- Maintenance of the "human rights defenders" component within the mandate of the MONUSCO - United Nations Organisation Stabilisation Mission in the Democratic Republic of the Congo.
- Creation of the Office of the Special Rapporteur of the Inter American Commission on Human Rights (IACHR) on Human Rights Defenders.
- Several mechanisms and mandates of protection have adopted specific public positions on the basis of information supplied by the Observatory, in particular the Inter American Commission on Human Rights in the case of Norma Andrade, Director of the NGO, "Nuestras Hijas de Regreso a Casa" [May Our Daughters Return Home] or even on the assassination of human rights defender Quetzalcóatl Leija Herrera, President of the Centro de Estudios y Proyectos para el Desarrollo Humano Integral [Centre for Studies and Human Integral Development Projects]; the High Representative of the EU on the sentencing of Nargess Mohammadi, member of DHRC [Defenders of Human Rights Centre] (Iran), on the detention and released on bail of members of the Bahrain Nurses Society (Bahrain), on the sentencing of Cu Huy Ha Vu (Vietnam) and on the detention of Egyptian defenders.



## FOCUS

### Acquittal of Oleg Orlov

Since 2009 the Observatory has very closely followed the proceedings and hearings before the civil and criminal courts against the President of its Executive Committee of the Human Rights Centre "Memorial", Mr. Oleg Orlov, by sending international missions of judicial observation. These proceedings followed the complaint for defamation filed by Mr Ramazan Kadyrov, President of the Republic of Chechnya, against Mr Oleg Orlov, who suggested that the Chechen President was responsible for the assassination of Mrs Natalia Estemirova in Grozny.

On January 20, 2012, the Court of Appeal dropped the charges against Mr Oleg Orlov. This decision came in the follow-up to his acquittal in June 2011 and the coming into force of a law decriminalising defamation in December 2011. This legal harassment lasted two and a half years and Memorial was forced to mobilise its resources and energy to defend the legitimacy of its fight for human rights before the courts at the expense of the continuation of its important field work.

In February 2012, the Observatory published a note titled "Kadyrov vs Orlov: The defence of human rights on trial", which analysed the impact of these

proceedings on the entire Russian civil society and called on the authorities to fully recognise the legitimate role of human rights organisations and to ensure effective protection of human rights defenders instead of abusing the legal system to harass them.

### Support and resettlement in France for the family of the disappeared human rights defender Fidèle Bazana (DRC)

In May 2011, the Observatory facilitated the exfiltration and relocation to France of the family of Fidèle Bazana, a member of VSV who disappeared in June 2010, following grave and persistent threats against certain members of this family particularly because of their involvement in proceedings brought against those allegedly responsible for this crime. Given the impossibility for the members of this family to continue to live normally in the DRC in view of the real risk for their lives if they were to return to the DRC, the Observatory assisted the eight members of this family with their application for refugee status and social integration (lodging, employment, school for the minors, health).

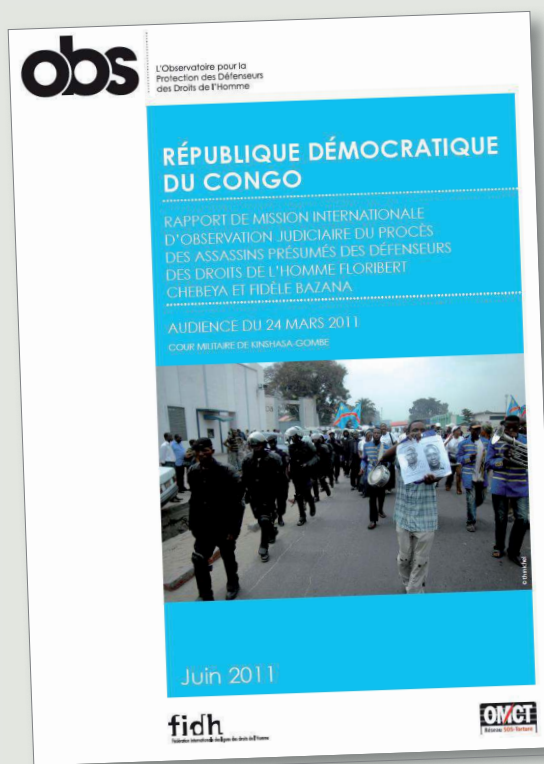
Consequently, the entire family obtained refugee status in September 2011 and, a year after their arrival, the members of the

family overcame numerous obstacles of integration into their host country.

*"We thank FIDH, the Observatory and all the organisations whose efforts led to our freedom, far from those who tracked us and who wanted us dead."*

Marie-Josée Bazana, widow of Fidèle Bazana, member of the VSV

Furthermore, the Observatory supported the production of a documentary movie by famous film maker Thierry Michel (Congo River, Katanga Business) on the case of Floribert Chebeya and Fidèle Bazana. This film has already won four prizes: Special Jury Distinction in the category of the Rights of the Person on the occasion of the Vues d'Afrique International Film Festival (Canada), the grand prize of the 2012 International Film Festival on Human Rights in Paris, the grand prize in the documentary category of the Festival 2 Cinema Valenciennes and the public prize of the 17<sup>th</sup> Afrika Film Festival in Belgium.



## Priorité 2

# Promote and protect women's rights

### Context and challenges

Discrimination and violence against women remain widespread on all continents. Despite repeated declarations at the international level over the past 15 years, the political will required to transform commitments into action remains lacking. In several countries there are risks of regression, as hard-won rights are called into question.

#### Persisting discrimination in law and practice

In many countries discrimination against women is enshrined in law, denying women equal rights in marriage and divorce, to custody of children, to inheritance and land. Many states have yet to adopt legislation criminalising violence against women and victims continue to face major obstacles in seeking justice. Women remain significantly underrepresented in political bodies and other decision-making positions. Individuals defending women's rights are often particularly vulnerable to repression as a result of their sex and/or the nature of their activities.

In 2011, political changes sweeping many countries in the Middle East and North Africa presented opportunities but also challenges for women's rights. In Tunisia, Egypt, Libya, Bahrain, Yemen and Syria, women of all ages and from all backgrounds demanded democracy, social justice, freedom, dignity and equality. Women activists, bloggers and journalists mobilised and informed the Public opinion. In each country women, as well as men demonstrating, were arrested, detained, killed and tortured by regimes clinging to power. But women were targets of specific forms of violence including rape, "virginity tests" and abduction.

There are risks that women's rights will be sacrificed in the context of political transitions. In Egypt, not a single woman was appointed to the Constitutional Committee or the Civil Consultation Committee and following parliamentary elections, women represent only 2% of seats. In Tunisia, several members of the Constitutional Assembly have publicly challenged existing protections for women's rights. While, in Libya, in October 2011, as the President of the National Transitional Council declared that the country had been "liberated" from Qaddafi's dictatorship, he announced that any legal provision that contradicted Sharia law would henceforth be null and void, including laws limiting polygamy and authorising divorce.

After years of repression, civil society generally and women's rights organisations in particular, are facing new challenges. They have a decisive role to play in preserving gains and promoting universal

human rights as new political structures are established and new constitutions are drafted. Defenders of women's rights require support to reach out to diverse groups, including the younger generation, and to develop dialogue with new political actors.

#### Women and conflict

From Democratic Republic of Congo to Burma, from Chechnya to Colombia, rape and other forms of sexual violence continue to be used as weapons of war. With the adoption of U.N. Resolution 1325 in 2000, the Security Council confirmed the urgent necessity for States to strengthen their efforts to protect women from violence in times of conflict and ensure their full participation in peace processes. Yet, 12 years after its adoption, only a handful of States have adopted plans for implementation, monitoring remains weak and women continue to be marginalized in peace negotiations.

International criminal justice defines crimes of sexual violence as crimes against humanity and war crimes and remains an important lever to fight impunity for these crimes. The International Criminal Court is currently pursuing several investigations and prosecutions against alleged perpetrators of sexual violence, including rape. The investigation, prosecution and outreach strategies of the ICC must be further strengthened in order to increase their impact at the national level. Meanwhile, national justice systems require technical support as well as political will to ensure that effective investigations and prosecutions are conducted into such crimes.

### Activities

In addition to the two core objectives outlined below, FIDH seeks to ensure that women's rights are systematically taken into account in the design and implementation of its actions and that the participation of women is promoted in the Federation's decision-making bodies.

With the support of a programme developed over 15 years, the Observatory for the protection of human rights defenders (see Priority one), FIDH's action contributes to protecting women's rights defenders from repression.

FIDH is a member of several coalitions: the Coalition for Equality Without Reservation in the Middle East and North Africa, the Coalition for the campaign "Africa for women's rights: ratify and respect!" and the Gender Working Group of the Coalition for the International Criminal Court.



© Fanny Benedetti  
Members of the Pastoral Women Alliance to Break Cultural Chains, Chiboga (Uganda).

## > To establish equal rights for women and men in law

On the basis of the Convention for the Elimination of all forms of Discrimination Against Women (CEDAW), FIDH advocates for the abolition of discriminatory laws and for the extension of the rule of law to the private sphere. FIDH builds the capacity of national members and partners, and creates opportunities for dialogue with national authorities, as well as international and regional bodies (UN CEDAW Committee, UN Working Group on Discriminatory Laws and Practices, the Universal Periodic Review, the African Union, the African Court and Commission on Human and Peoples' Rights and the League of Arab States). In order to strengthen the impact of advocacy, FIDH supports intra- and inter-regional networks and builds alliances between generalist human rights organisations and organisations specialised in women's rights.

In 2011, in the **Middle East** and **North Africa**, seizing opportunities created by political changes, FIDH worked with members and partners in **Tunisia**, **Morocco** (See Focus below), **Egypt**, and **Kuwait** to push for reforms on women's rights, increase political participation and prevent setbacks. In October, FIDH supported representatives of the Kuwait Human Rights Society to participate

for the first time in the CEDAW Committee's examination of Kuwait's implementation of the Convention. The majority of the recommendations presented by FIDH and KHRS were included in the CEDAW Committee's conclusions, forming a valuable tool for national advocacy.

FIDH published an analysis based on interviews with women's rights activists throughout the region, *Revolutions in the Arab region: what's at stake for women's rights?*, which was used to inform and mobilise international, regional and national bodies.

FIDH is a founding member of the coalition "Equality without reservation", launched in June 2006 with the Democratic Association of Moroccan Women (ADFM). The campaign calls on states in the region to accept all provisions of the CEDAW Convention, including articles on rights in marriage, divorce, inheritance and nationality and to implement the Convention in national laws. The campaign also lobbies for the ratification of the optional Protocol (allowing victims to submit cases before international bodies).

In **Africa**, in the context of the campaign launched by FIDH "Africa for women's rights: ratify and respect", FIDH supported partners in **Uganda**, **Guinea Conakry** and **Mali** to contribute to legal reforms.

- Launched in 2009, in collaboration with African regional organisations (ACHRDS, FAS, WILDAF and WLSA), this campaign is run locally by a network of over a hundred of organisations in forty countries that, supported by the Coalition, challenge their authorities, parliamentarians and judiciaries to comply with their international obligations regarding women's rights. By involving "generalist" human rights organisations that are members of FIDH, the campaign aims to strengthen collaboration between these organisations and women's rights organisations.

In 2011, FIDH worked with partners in **Uganda**, **Foundation for Human Rights Initiative (FHRI)** et **Uganda Association of Women Lawyers (FIDA-U)** to against women push for the adoption of a new law on marriage and divorce. A draft marriage and divorce law was presented to Parliament at the end of 2009.

## OUTPUTS / ACTIVITIES

### Press releases and open letters

- 37 (FR, ENG, AR)

### Investigation missions

- Uganda, December
- Tunisia, July

### Advocacy missions/ workshops

- Guinea Conakry, September and December
- Kuwait, Forum for the Future, May
- Morocco, Coalition for Equality without

Reservation, May

- Tunisia, workshop "Women and Transition" FIDH - ATFD, May
- Tunisia, advocacy mission, February

### Reports and other publications

- *Afghanistan: Making peace with the Taliban, at what cost? Seven keys to a just peace*, December, (ENG, FR, PERS)
- *Guinea: Commemoration of 28 September massacre overshadowed by political tensions*,

September, (ENG, FR)

- *Revolutions in the Arab region: what's at stake for women's rights?*, March 1, (ENG, FR, AR)

### Interfaces Interactions with IGO

- UN CEDAW Committee, Kuwait, (October) and Djibouti (July)
- UPR, Syria, October
- CADHP, May



The draft law grants women the right to divorce spouses for cruelty, the right to choose their spouse and prohibits the practice of levirate. It also provides for equitable division of property in the event of divorce. Since then, the process of adoption of the law has stalled. On the basis of FIDH's report to be published in 2012, FIDH will mobilise key stakeholders to push the process forward. Since 2008, FIDH has been working with NGOs in **Mali** (in particular the *Association malienne des droits de l'Homme* (AMDH) and WILDAF-Mali) to advocate for the adoption of a Family Code that respects women's rights. After the decision by the former President to refer the Bill back to Parliament for a second reading at the end of 2009, parliament finally began to re-examine the text in early 2011. During its consideration, amendments were proposed to the text by conservative movements that would enshrine discrimination and weaken core provisions. FIDH and its partners mobilised against the adoption of the amendments. However, in a tense political context, parliament approved the revised text in December 2011. FIDH and its partners appealed directly to the President to refuse to promulgate the law but the text was approved at the end of the year.

## > To increase access to justice for women victims of violence

FIDH supports national partners to push for the adoption and implementation of laws that criminalise all forms of violence against women, in accordance with international human rights law and international criminal law. FIDH identifies obstacles to seeking justice for victims of such crimes and advocates for the reform of criminal law and procedure. FIDH provides particular support and expertise to organisations working in countries where periods of conflict or political instability have seen women targeted with crimes of sexual violence. FIDH builds their capacity to document these crimes and to bring legal actions. Confronted with severe obstacles to access to justice at the national level and drawing on experience in the area of international criminal law, FIDH contributes to strengthening the role of the International Criminal Court in fighting impunity for these crimes, including by advocating for crimes of sexual violence to be systematically investigated and prosecuted by the Office of the Prosecutor.

In 2011, FIDH worked with members and partners in **Uganda** to identify the principal obstacles to the implementation of recently adopted legislation on violence. FIDH worked with members and partners in **Democratic Republic of Congo** on fighting impunity

for crimes of sexual violence, through reforms to the national justice system and the establishment of “mixed” tribunals (national courts with international participation). FIDH worked with members and partners in **Guinea Conakry** (see Focus) on overcoming obstacles to access to justice for victims of sexual violence during the repression of peaceful protests in September 2009; and in **Côte d'Ivoire** on access to justice for victims of sexual violence during post-election violence in 2010.

## Some results

### – Tunisia:

- The reform of the electoral code in Tunisia in April, requiring parity between male and female candidates on electoral lists, a first in the Arab world and elsewhere.
- The announcement in August of the withdrawal of reservations to CEDAW.

### – Morocco:

- The withdrawal of reservations to CEDAW in April and the adoption of provisions in the new Constitution establishing equal rights between women and men and introducing measures to promote women's participation in political life in July 2011.

### – Uganda:

- Identifying the main obstacles to the implementation of newly adopted bill's penalising violence against women.
- Documentation of violations and increased pressure on national authorities for the adoption of the Marriage and Divorce law.

### – Kuwait:

- The CEDAW Committee addressed the majority of the recommendations presented by FIDH and KHRS to the Kuwait authorities.

### – Guinea Conakry:

- Inclusion of women's rights as a top priority on the presidential and governmental agendas for 2012.
- Reactivation of the process of adoption of the draft law on “Family and Women”.
- And Creation of a UN focal point on sexual violence to follow legal proceedings concerning the 2009 events.

### – Côte d'Ivoire:

- Laurent Gbagbo charged with crimes against humanity, including crimes of sexual violence and transferred to the International Criminal Court.
- Increased dialogue with national authorities on women's rights.

## FOCUS

### Tunisia: women's participation in the construction of democracy

After the fall of Ben Ali and the establishment of a transitional government, FIDH conducted several missions to meet with the new authorities and advocate for progress on women's rights. FIDH supported its members and partners to push for the withdrawal of reservations to the CEDAW Convention and mobilised international bodies, including UN Women. With the *Association tunisienne des femmes démocrates* (ATFD), FIDH participated in roundtables aimed at developing strategies and accompanied efforts to obtain increased representation of women in the new political bodies, both through legal reform and awareness-raising actions.

In April, a law was adopted requiring parity of men and women candidates on electoral lists. In August, the transitional authorities announced the withdrawal of reservations to CEDAW. Women represent 27% of the Constituent Assembly elected in October 2011.

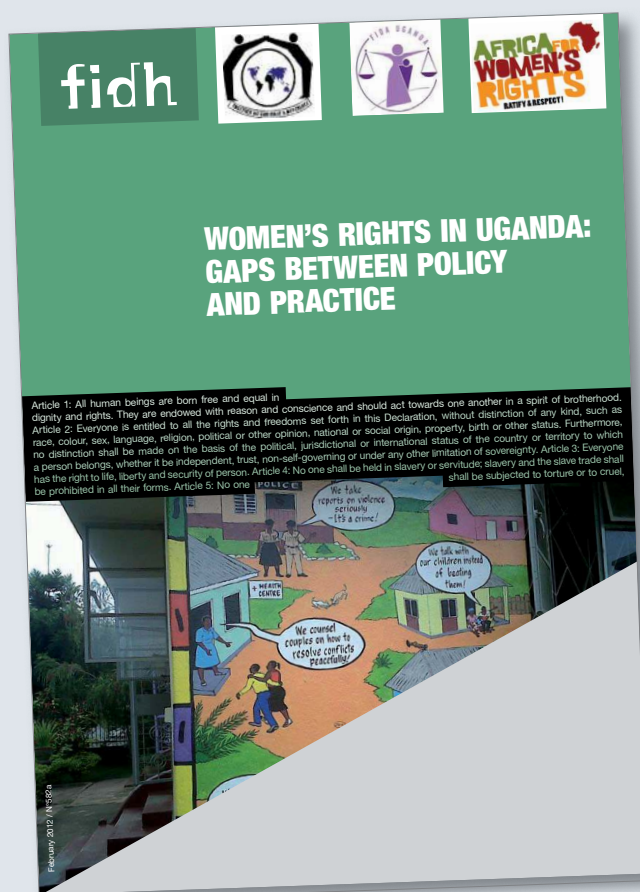
### Morocco: Taking advantage of political reforms to make progress on women's rights

In Morocco, FIDH supported women's rights organisations to seize opportunities presented by the announcement of political reforms in the face of protests, to push for the protection of women's rights. FIDH supported national organisations to call for the withdrawal of reservations to CEDAW. FIDH also supported the *Association démocratique des femmes du Maroc* (Democratic Association of Moroccan Women - ADFM) to push for provisions in the new constitution protecting women's rights.

In April, the government announced the withdrawal of reservations to CEDAW. The new Constitution, adopted in July 2011 enshrines the principle of equality between men and women and contains provisions on increasing women's participation in decision-making bodies. However, an electoral law established a quota for women's representation of only 15% and the proportion of women elected to the new parliament in November did not exceed the quota.

### Guinea Conakry: Supporting access to justice for victims of crimes of sexual violence

On 28 September 2009 in Guinea Conakry, police under the authority of the rebel leader, Moussa Dadis Camara, violently repressed a peaceful demonstration organised by the opposition forces, denouncing Camara's candidacy in presidential elections. The crackdown resulted in more than 156 dead, hundreds of rapes and thousands injured. In 2010, faced with stalled legal proceedings the national level, FIDH and the *Organisation guinéenne de défense des droits de l'Homme et du citoyen* (OGDH) lodged actions as civil parties on behalf of 67 victims of serious crimes, including crimes of sexual violence. In 2011, victims of sexual violence were interviewed by the investigating judges. FIDH and OGDH continue to support victims of the 2009 events to seek justice, with a particular focus on victims of crimes of sexual violence.



## Priority 3

# Promote and protect migrants' rights

### Context and challenges

The number of people living outside their countries of birth or citizenship has doubled in the last 25 years and today it is estimated that 214 million persons are international migrants. While international attention tends to focus on South-North migration, the majority of migrants move between countries in the Southern hemisphere.

Increasing controls on human mobility exacerbate the vulnerability of migrants to human rights abuses. Within the European Union (EU) and elsewhere migration policies continue to be guided by security concerns. With their focus on tracking down “illegal” migrants and detecting “false refugees”, they contribute to fueling nationalism and xenophobia. When policies and bilateral agreements aim to facilitate migration, they are often guided by an economic rationale, reducing migrants to commodities. While the United-States continues to protect itself by means of an illusory wall, the EU and member states increasingly shift responsibility for controlling migration to transit and departure countries in order to prevent migrants from reaching their borders, within the framework of bilateral agreements that are rarely made public. In 2011, elements of this “externalisation” policy were condemned by the European Court for Human Rights in the context of the implementation of a bilateral agreement between Italy and Gaddafi's Libya (see focus). The increasing autonomy of Frontex, the EU agency in charge of controlling external borders, and its activities focused on preventing irregular migration, provoked concerns expressed by members of parliament and NGOs and led to the opening of an investigation by the European Ombudsman.

2011 saw massive migration flows in North Africa, mainly as a result of the conflict in Libya. While governments of EU member states reacted with alarm to the threat of an imagined “invasion” by increasing migration controls, the vast majority of the more than one million exiled fled to neighboring countries, in particular to Tunisia and Egypt, presenting huge challenges to countries already experiencing upheavals. The conflict in Syria also provoked significant movements across borders, in particular to Turkey.

Of the small proportion of migrants that attempted to reach EU shores from Libya (less than 4%), over 1,500 died while crossing the Mediterranean Sea. In several documented cases,

distress calls went unanswered in flagrant violation of the international law of the sea and international human rights law.

Although migration can be a choice and a positive experience, many migrate under duress and face severe hardships. In the absence of adequate protection, migrant workers all over the world, in particular those in irregular situations, suffer abuse, discrimination and exploitation by traffickers, recruitment agents and employers. They often fall outside the protection of employment legislation, may be forced to work in inhumane conditions and have little access to justice in cases of abuse. Women migrant workers are especially vulnerable to abuse and exploitation. In times of economic crisis and conflict, vulnerability is exacerbated.

The capacity of migrant workers to organise themselves to defend their rights, individually and collectively, is limited by their legal and economic situations. In many countries they are prohibited from establishing or joining trade unions. In addition to empowering migrants themselves, there is a general need to strengthen the capacity of national human rights organisations to use existing instruments and mechanisms to protect the migrants' rights.

At the international level, a comprehensive framework of standards on the protection of the rights of migrant workers exists but there remain major obstacles to their implementation and the response from international institutions continues to be inadequate. In 2011, the number of states party to the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (Migrant Workers Convention) grew to 46. However, no member states of the European Union have ratified this core UN Convention.

The Global Forum on Migration and Development (GFMD), established in 2006, held its 5<sup>th</sup> session in Geneva in November 2011. It is the only international intergovernmental forum examining issues of migration governance, but remains outside the United Nations system and discussions are informal and unbinding. While there has been some progress, particularly in the inclusion of civil society in the process, human rights remain largely absent from intergovernmental discussions. The future of this body will be reviewed by the UN General Assembly in 2013.

Building on recent developments in the area of corporate social



responsibility (see priority 5 *Strengthening respect for human rights in a globalised world*), companies, in particular multinationals, can be mobilised to strengthen the protection of migrants' rights. Today many multinational companies have adopted codes of conduct relating to workers' rights throughout their supply chain. These codes could include stronger and more specific provisions concerning the protection of migrant workers' rights.

## Activities

In order to conduct its actions, FIDH is an active member of the following coalitions: Steering Committee of the Global Campaign for the Ratification of the International Convention on the Rights of All Migrant Workers and Members of their Families, Boats for People, Justice without borders for migrants. FIDH has also developed close cooperation with the International Trade Union Confederation (ITUC) and UNI Global Union.

## > Documenting violations of migrants' rights and contributing to reform of laws and policies to increase protection

FIDH's network of organizations based in countries of origin, transit and destination, enables it to document violations of migrants' rights at each stage of the migratory journey; to develop sustainable actions to advocate for reforms to law and policy; and to create intra and inter-regional alliances, between human rights organisations, specialist migrants' rights organisations, trade unions and other civil society actors.

FIDH creates opportunities for dialogue with national authorities in countries of arrival, transit and departure and alerts international and regional bodies (UNHCR, IOM, UN Committee

on Migrant Workers, ACHPR, LAS, European Union, ASEAN). FIDH develops actions on "South-South" migratory routes, which - while concerning the majority of migrants - tend to lack documentation and international attention.

In 2011, FIDH conducted investigations in Libya, Tajikistan (see Focus) and Spain. Following investigations in Kazakhstan in 2009-2010, FIDH continued to draw international attention to the situation of refugees and asylum seekers in the country and mobilised against *refoulement* to Uzbekistan.

In May 2011, FIDH conducted an investigation into the working conditions of seasonal migrant workers on strawberry farms in Spain, in the province of Huelva, Andalusia. The investigation took place within the framework of FIDH's ongoing project with the global retailer Carrefour aimed at improving respect for human rights within the supply chain. FIDH Partners from Morocco participated in the investigation.

In Huelva, some 50,000 seasonal workers, mainly foreign migrant workers, are employed on farms each year. Economic conditions push producers to reduce their costs and to use workers as an adjustment variable. Each year, thousands of Moroccan women are recruited in Morocco and transported to the farms where they work until the end of the strawberry season. Recruitment criteria specify that women must be married with young children, supposedly in order to ensure that workers return to Morocco at the end of the season and do not attempt to prolong their stay on EU territory. The Spanish legal framework offers little protection to seasonal agricultural workers in Andalusia: days not worked are unpaid and union representation for these workers is almost impossible. These factors, combined with the system of "circular migration", generate violations of workers' rights. Migrant workers find themselves completely

## OUTPUTS / ACTIVITIES

### Press releases:

34 (ENG, FR, SP, RUSS)

### Investigation missions

Libya/Egypt, June  
Tajikistan/Russia, May  
Morocco/Spain, May  
France, trial observation, March

### Advocacy missions/ workshops

Tajikistan/Russia, July and October  
Argentina, April

### Reports and other publications

*Spain: Importing Workers, Exporting Strawberries*, January 2012 (SP, ENG, FR, AR)

*Philippines: Labor migration policy, Fact sheet*, December (ENG)

*Tajikistan: Exporting the workforce – at what price?*, October (ENG, RUSS, FR)

*Libya: Migrants flee to Egypt: Double tragedy for Sub-Saharan Africans*, June (AR, ENG, FR)

*Russia: Discrimination against Ethnic Minorities and Migrants*, May (RUSS, ENG)

*Argentina: Consolidating migration policy based on human rights*, April (SP, FR)

*France: "Crime of solidarity" confirmed on appeal*, Report of a trial observation mission, The Observatory, March (FR)

### Advocacy IGO

OSCE, Warsaw, Tajikistan, October

EU, Brussels, Libya, September  
Geneva, Libya/ Migration and the Arab Spring, September

UN Committee on Migrant Workers, Tajikistan (pre-session), September

UPR, Tajikistan, September

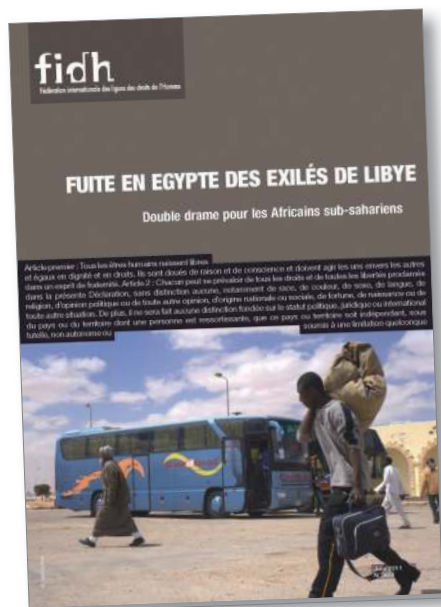
UN Committee on Migrant Workers, Argentina, September

UN Committee on Economic, Social and Cultural Rights, Russia, May

### Legal actions

*Hirsi and others v. Italy*, European Court of Human Rights, Submission of amicus curiae brief

"The boat left to die" case, preparation of legal complaints before national courts



## > Strengthening accountability for violations of migrants' human rights

Since 2010, with a view to combating impunity, influencing policy and contributing to prevention of further violations, FIDH has been strengthening recourse to strategic litigation in cases of violations of migrants' rights. In 2011, FIDH continued to work on cases involving responsibility for violations in the Mediterranean sea, in the context of EU and member states' migration policies (see "Focus" 3 on the landmark judgment of the European Court for Human Rights – ECHR –).

2011 marked the deadliest year in the Mediterranean. FIDH, together with other human rights organisations and experts, explored the possibility of bringing legal actions against states, Frontex and NATO for the deaths of migrants fleeing the conflict in Libya. Investigations focused on a case involving a boat of 72 migrants of which all but 9 perished. At the end of March 2011, while states participating in the NATO operation were patrolling the seas, the migrants fled Libya in a small boat which was left to drift for 2 weeks. Investigations revealed that the Italian coast guard, NATO and all boats present in the area were alerted to their distress. According to survivors helicopters and a military ship saw the boat but failed to come to their assistance. Investigators interviewed survivors, produced a map of the path of the boat and used satellite imagery to establish the presence of surveillance. The findings contributed to an investigation opened by the Parliamentary Assembly of the Council of Europe into the circumstances of the case. In 2012, FIDH and others intend to bring a series of complaints before national courts.

FIDH is also a member of the coalition Justice without borders for migrants which focuses on supporting migrants, in particular from Western Africa, to seek justice for violations. Within this project, FIDH provides legal advice on recourse to the ECHR, the African Commission on Human and Peoples' Rights and the African Court.

In 2011, FIDH developed actions aimed at strengthening the role of companies in the protection of migrant workers' rights (see further above, Investigation into the situation of Moroccan women strawberry pickers in Spain, and priority 5). FIDH worked to strengthen codes of conduct on social and labour standards issued by companies to their suppliers, in relation to the rights of migrant workers, including through its membership of the advisory board of the Global Social Compliance Programme (GSCP). FIDH contributed to the development of guidelines by the Secretary General's Special Representative for human rights, transnational corporations and other business enterprises.

dependent on their employers and, on return to their country of origin, lack basic social protections.

The findings of FIDH's investigation illustrate the human rights impact of this system of "circular migration", promoted by the EU and other international bodies as a "triple win" model. FIDH published a report making key recommendations to the Spanish and Moroccan governments, to mass retailers and to the EU. In 2012, FIDH will pursue advocacy, including with the Moroccan authorities.

In Argentina, FIDH and CELS analysed recent positive developments in migration policy and remaining obstacles to implementation. A joint report was shared with the Argentinian authorities at a round-table organised in April. FIDH enabled representatives from CELS to participate in the session of the UN Committee on Migrant Workers which examined the situation in Argentina in September 2011. FIDH published a summary of the report in English and French as a tool for other members and partners working on migration policy reforms.

FIDH, as part of a coalition composed of NGOs and inter-governmental bodies, continued campaigning alongside national members and partners for universal ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

FIDH developed its analysis of the operation and impact of the Global Forum on Migration and Development (GFMD). Together with the International Trade Union Confederation (ITUC) and several NGOs, FIDH will advocate for reforms to this mechanism in the run-up to evaluation by the UN General Assembly in 2013.



## Some results

### – Libya:

- Increased documentation of the situation of migrant workers in Libya and the racist violence with which Sub-Saharan Africans were targeted during the conflict.
  - Mobilisation of the Office of the Prosecutor of the International Criminal Court, resulting in statements that such violence may constitute war crimes.
  - Adoption of a public statement by the African Commission on Human and Peoples' Rights, condemning violence against migrants in Libya.
- Increased international condemnation of European Union states and others for failing to demonstrate solidarity with countries South of the Mediterranean in the context of the Arab Spring, by refusing to offer places for resettlement of refugees.

– Increased international attention to the role of EU and member states' policies in causing deaths in the Mediterranean sea. Opening of an investigation by the Council of Europe.

– Condemnation by the European Court for Human Rights of Italy's migration policy and confirmation that the high seas are not a legal vacuum (*Hirsi and others v. Italy*).

– Increased public attention, in Europe and Morocco, to the situation of seasonal workers in Spain.

### – Tajikistan:

- Increased dialogue with authorities in Tajikistan concerning measures to increase protection of migrant workers, including opportunity for FIDH to comment on draft migration law.
- Conclusions of the UN Committee on Migrant Workers addressed to the Tajik government included recommendations submitted by FIDH and its partners.
- Strengthened collaboration between Russian and Tajik NGOs contributing to more effective protection of Tajik migrants in Russia.

– Ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families by Bangladesh (August).

– Announcement by the Indonesian government that it will ratify this convention.

– Guidelines developed by the UN Secretary General's Special Representative for human rights, transnational corporations and other business enterprises, adopted in June 2011 by the UN Human Rights Council, contain specific reference to the rights of migrant workers.

– The GSCP included migrants' rights as a priority issue to consider for remediation. World retailer n°2 Carrefour explicitly confirmed its commitment to abide by the UN Convention on Migrant Workers.



© ADC Memorial  
Tajik migrant workers arriving in Saint Petersburg, June 2011.



## FOCUS

### **Increasing protection of migrants' rights in countries of departure: Investigation in Tajikistan**

Since 2007, FIDH has developed actions aimed at documenting violations of migrants' rights along routes within countries of the former Soviet Union and building the capacity of national NGOs to work on migrants' rights. FIDH has engaged in dialogue with authorities from countries of departure and arrival in order to contribute to increased consideration of human rights concerns in the drafting of migration laws and policies.

In May 2011, FIDH sent an investigation mission to Tajikistan to analyse the human rights impact of migration policy and the measures required to increase protection. FIDH's partner in Russia, ADC Memorial, participated in the mission, which was organised with the support of the Tajik Bureau for Human Rights and the Tajik Human Rights Centre.

Every year, hundreds of thousands of Tajik citizens leave to seek work abroad. Migrants' remittances are estimated at 40-50% of the country's GDP. 90% of migrants go to Russia, where they face widespread exploitation by recruitment agencies, other intermediaries and employers and violations of their economic and social rights. Tajik migrant workers are regularly victims of xenophobic attacks and extortion.

The FIDH/ ADC Memorial report analyses the impact of high emigration on Tajikistan. The Tajik government is currently facing critical questions concerning the extent to which it should facilitate and encourage emigration and the measures that need to be taken to avoid the negative consequences of emigration.

Following the mission, FIDH was asked to comment on the draft Tajik law on migration. Contact between organisations working in Russia and Tajikistan was established and maintained. The conclusions and recommendations of the mission were shared with participants in the EU-Tajikistan dialogue, held in Dushanbe, in July 2011. Recommendations were submitted to the UN Committee on Migrant Workers in September to the OSCE, and to the Human Rights Council during the UPR.

### **Vulnerability exacerbated in times of conflict: Investigation into the situation of migrants and refugees fleeing Libya**

The conflict in Libya triggered a mass exodus of the civilian population into neighbouring countries. Hundreds of thousands of people fled, mainly into Tunisia and Egypt.

In May 2011, FIDH sent an investigation mission to the Egypt-Libya border. FIDH's partners from Egypt and Sudan participated in the investigation. The mission documented the living conditions of hundreds of refugees and migrants stranded at the border and gathered numerous testimonies pointing to widespread abuses and racially motivated violence targeting Sub-Saharan African migrants in Eastern Libya. FIDH interviewed over 50 migrants who had witnessed violent attacks, rape, robbery and killings perpetrated by armed rebels against black Africans, collectively accused of being mercenaries fighting for Gaddafi. The vast majority of those interviewed had been working in Libya, some for many years.

FIDH alerted the Libyan National Transitional Council, the UN Human Rights Council and the International Criminal Court to these crimes and called for investigations. FIDH mobilised states in Sub-Saharan Africa to react to the treatment of their citizens in Libya and brought the issue before the ACHPR. FIDH also mobilised representatives of the European Union and member states to offer places for resettlement to refugees.

### **Landmark judgment of the European Court for Human Rights: Interceptions and push-backs condemned - the high seas are not a legal vacuum**

In 2008, Italy and Libya concluded an agreement to intercept migrants at sea and to return them, in violation of human rights norms. In implementation of this agreement hundreds of migrants were intercepted at sea by the Italian authorities and forced to return to Libya, their point of departure.

FIDH supported its member in Italy, *Unione Forense per la Tutela dei Diritti dell'Uomo* (UFTDU), in a complaint against Italy before the European Court for Human Rights, concerning the interception of 24 Eritrean and Somali migrants in the high seas and their return to Libya in 2009 (*Hirsi and others v. Italy*).

This was the first case before the ECHR to examine the question of refoulement in international waters. FIDH, together with Amnesty International and the AIRE Centre, submitted an amicus curiae brief to the Court. The case was decided by the Grand Chamber in February 2012. The Court found that Italy's actions violated the prohibition on inhuman and degrading treatment (ECHR, Article 3); the prohibition on collective expulsions (Protocol 4, Article 4); and the right to an effective remedy (ECHR, Article 13). Italy's actions exposed the migrants to the risk of being subjected to ill-treatment in Libya and being repatriated to Somalia and Eritrea. The Court's judgment establishes that when individuals are intercepted in international waters, states are obliged to abide by international human rights law.

The Italian authorities publicly undertook to implement the Court's decision. They also stated that future agreements with Libya would be based on human rights and safeguarding lives at sea. However, in April 2012, Italy concluded an agreement with the Libyan authorities on controlling migration. The agreement has not been made public.

## Priority 4

# Promote the administration of justice and fight against impunity

## The administration of justice

### Context and challenges

#### Progress towards the universal abolition of the death penalty

At the end of 2011, the death penalty still existed in 58 countries; it has been abolished in fact, or law, in 140 countries. These figures indicate significant progress in the fight for its abolition. Gabon abolished the death penalty on 15 February 2011; Honduras has ratified the Organization of American States Treaty aimed at abolishing the death penalty; the Latvian parliament voted in favor of ratifying the European Protocol on the Abolition of the Death Penalty under any circumstance; and Tunisia is committed to a moratorium on executions.

At the same time, however, executions are still carried out in large numbers in Iran and China, often following unfair proceedings. Certain states in the USA also continue to execute convicted criminals after they have spent many years on death row and in spite of persistent doubts about their guilt.

The abolitionist movement is facing many challenges in this context. Access to information is one of them. Many states are very secretive about their performance of executions and trials are held away from observers under conditions that are contrary to the right to a fair trial. Another challenge is strengthening the advocacy tools of human rights organizations fighting for abolition in the face of much resistance grounded in arguments about security, politics, society and religion. It is important to bring into national debate the notion that the practice of the death penalty is a rights' violation. The development of international and regional standards is also crucial for abolition, in fact, or in law, at the national level.

#### The fight against enforced disappearances

Enforced disappearance constitutes a violation of all basic human rights: the rights to life, liberty and dignity of the person. Enforced disappearance is a crime of a continuous nature, as long as a victim's body is not found. As such, it has a direct impact on a victim's loved ones, as well as their whole community.

On 23 December 2010, the International Convention for the Protection of all Persons against Enforced Disappearances entered into force.

However, by the end of 2011 only 31 states had ratified this convention, despite its importance to fighting enforced disappearances.

#### Respecting human rights in the fight against terrorism

Ten years after the twin towers attack, 2011 will be remembered for the many terrorist attacks that violated basic human rights and the death of Osama Bin Laden in Pakistan during a US assault in May. The fight against odious terrorist acts has, in some cases, been conducted in a manner that further violates rights guaranteed under international conventions. Many governments have continued to legitimize extremely repressive and liberticidal laws in the name of the fight against terrorism.

At the international level, mechanisms and instruments of inter-state cooperation in counter-terrorism, such as agreements under the auspices of the Shanghai Cooperation Organization, remain the source of human rights violations.

### Activities

#### > Progress on the universal abolition of the death penalty

FIDH has continued to bring attention to and to denounce the death sentences and executions conducted in numerous countries, including the high number of sentences passed in China yearly (totaling several thousands) and executions performed in Vietnam annually (over one hundred). A wave of executions took place in Iran at the beginning of 2011, with 86 executions being performed by 15 February, including at least eight political prisoners charged with "moharebeh"- rebellion against God - for participation in demonstrations or alleged ties to opposition groups. Consequently, FIDH and its member organisations joined with other NGO groups to call upon the Iranian judicial authorities and Parliament to issue an immediate moratorium on all executions.

In Belarus, FIDH denounced the death sentences pronounced by the Belarus Supreme Court against two convicted individuals, following an investigation that was full of irregularities. It also contributed to the mobilization of a world-wide campaign for Troy Davis, who was finally executed in the US state of Georgia despite significant doubts about his

guilt in September 2011. Moreover, FIDH was also heavily involved, through meetings, petitions and press releases, in mobilization on the situation of Hans Skinner, another American sentenced to death, who has petitioned the US courts to accept his request for a DNA test to prove his innocence. This request was finally accepted in 2012.

FIDH is a founding member of the World Coalition against the Death Penalty, which is chaired by FIDH's Deputy Secretary-General, Florence Bellivier. In this capacity, the Federation, took part in awareness raising activities, such as for the World Day against the Death Penalty on 10 October 2011. FIDH, the French Human Rights League and the Paris Bar Society organised a round table in France, entitled "Thirty Years after the Abolition of the Death Penalty in France, a Few Perspectives for the World Abolitionist Movement". This event benefited from the notable participation of Robert Meeropol, son of Ethel and Julius Rosenberg executed in the US fifty years ago.

FIDH also mobilised to call upon numerous governments to abolish the death penalty. To this effect, FIDH held several meetings with the Tunisian transitional authorities calling on them to ratify the second Optional Protocol to the International Covenant on Civil and Political Rights. At the General Assembly of the World Coalition against the Death Penalty in June 2011, human rights organisations, including FIDH, expressed their disappointment at the absence of a provision abolishing the death penalty in the new Moroccan constitution and called upon the Minister of Justice to reform the criminal code to abolish capital punishment. Much advocacy work conducted in collaboration with the Human Rights Minister of Burkina Faso also enabled the launching of a national debate on the issue of abolition.

Finally, at the international level, FIDH, acting as an observer, and contributed to the drafting and translation of the report of the African Commission on Human and Peoples' Rights (ACHPR) Working Group on the issue of the death penalty in Africa (Focus).

## > Fighting against enforced disappearances

In 2011, FIDH continued to denounce the cases of enforced disappearances. For example, it denounced such disappearances in its position paper on post-electoral violence in Cote d'Ivoire, and in press releases such as that concerning the kidnapping by members of the so-called security forces of Noureddine Belmouhoub, of an Algerian human rights defender and spokesperson for the Defense Committee for Former Security Camp Internees (CDICS). FIDH also held a press conference to denounce the ongoing threat posed by the Uzbek regime of President Karimov against anyone daring to speak out against the 13 May 2005 massacre in Andijan, where government troops opened fire on peaceful demonstrators. Over 500 persons were killed in the massacre, but the authorities reported only 187 deaths. As a member of the steering committee for the International Coalition against Enforced Disappearances (ICAED), FIDH contributed to its awareness-raising activities on 30 August, International Day of the Victims of Enforced Disappearances. It also contributed to an international conference held in Geneva in November 2011 for 40 Coalition

members on the theme: "Increase our Unity: Renew our Commitment in favor of the Ratification of the International Convention against Enforced Disappearances".

As part of its commitment to fight against impunity of the perpetrators of enforced disappearances, FIDH has mobilised, with its member organisations, to bring Jean Claude Duvalier, former president of Haiti to justice for numerous crimes, including enforced disappearances. It was also involved in bringing about justice in the Chebeya and Bazana case. This case concerned two Congolese human rights defenders, president and member of the *Voix des Sans Voix* respectively, who were summoned to meet the inspector general of the Congolese national police and had not been seen since. While Mr Chebeya was later found dead, Mr. Bazana's body has never been found. FIDH has, among other things, supported Mr Bazana's family members, some of whom have received threats for taking part in the trial of the policemen convicted for these crimes in June 2011.

FIDH travelled to Chile in October to call upon the authorities to execute the arrest warrants issued by France against those responsible for the disappearance and torture of four Franco-Chileans during Pinochet's dictatorship. It has also maintained communication throughout the year with the French investigating judge in the Brazzaville Beach case in which FIDH and its member organisations in the Republic of Congo and in France are civil parties. In 1999, over 300 Congolese, returning from the DRC at the end of the war, were kidnapped by elements of the police.

Seized of the Brazzaville Beach case, the United Nations Working Group on Enforced Disappearances travelled to the Congo in 2011. FIDH and its member organization, the OCDH, assisted in the preparation of this mission which submitted conclusions that met victims expectations and called upon Congolese authorities to fully shed the light on this case.

FIDH also followed up on its referral to this same Working Group on the enforced disappearance of Ibni Oumar Mahamat Saleh, leader of the Chadian opposition, kidnapped by security forces during an attempted *coup d'Etat* in 2008. Moreover, FIDH was able to follow up on the joint communication with its member organisation, the *Collectif des Familles de Disparu(e)s en Algérie*, presented to the African Commission on Human and Peoples' Rights regarding disappearances during Algeria's period known as "the years of lead".

## > Human rights and the fight against terrorism

This issue was addressed in 2011 in many different FIDH action priorities, especially on the protection of human defenders and supporting respect for human rights during conflict, emergency situations or political transitions.

Through fact-finding, advocacy missions, and press releases, FIDH was able to denounce not only human rights violations committed while combating terrorism, but also the application of repressive and libticial laws by governments using counter terrorism as a pretext, including in Malaysia, the Philippines, Zimbabwe and Chile.



In addition, on the 10<sup>th</sup> anniversary of 11 September 2001, FIDH issued a special dossier entitled: *Anti-terrorism and human rights: 10 years of incompatibility!* This dossier is composed of six sections covering five regions of the world (the Americas, EECA, Africa, Asia and MENA) and one specifically on the USA, written by FIDH's US member organization, the Center for Constitutional Rights. The objective of the publication was to create awareness of rights violations justified on the pretext of counter-terrorism among the public at large and agents of change at national and international levels. The document called for the abrogation of liberticidal laws adopted or re-enforced after September 11, in the name of anti-terrorism, and requested that States give more consideration to human rights in their fight against terrorism.

Additionally, FIDH followed up on its referral to the Inter-American Commission on Human Rights to denounce the application of anti-terrorist laws that are used against the Mapuche community in Chile (see Focus).

Finally, FIDH held a seminar with representatives of its member organisations from Shanghai Cooperation Organization (SCO) member states including from China, Kazakhstan, Kyrgyzstan, Tajikistan and Russia. This meeting was held in the presence of Martin Scheinin, United Nations Special Rapporteur on Human Rights and Anti-terrorism. The objective of the seminar was to train FIDH member organisations on the structure and policies of the SCO, exchange information on state practices that violate international human rights conventions in the name of counter-terrorism, and develop an advocacy strategy.

## Some results

– The Tunisian Justice Minister's announcement on the application of terrorism law 14 January 2012 of a moratorium on all executions,

commuting capital punishments into life sentences.

– The adoption by the African Commission on Human and Peoples' Rights of the Working Group report on the death penalty issue, recommending the abolition of capital punishment and the establishment of an additional protocol to the African Charter on Human and Peoples' Rights on the abolition of the death penalty in Africa.

– The mobilization of authorities from Morocco and Burkina Faso in favour of abolition.

– Ongoing court proceedings initiated in France by FIDH, the French Human Rights League and the Congolese Human Rights Observatory on the Brazzaville Beach case, concerning the disappearance of more than 300 persons in 1999 in Congo Brazzaville.

– The conclusions by the United Nations Working Group on Enforced Disappearances following its visit to the Republic of Congo underlining the absence of a complete process to pursue justice, truth and reparation in the case of the disappeared of the Beach of Brazzaville.

– The ongoing communication between the United Nations Working Group on Enforced Disappearances and the Chad government to shed light on the case of Ibni Oumar Saleh, an opposition leader who disappeared during an attempted coup d'Etat in 2008 after having been kidnapped by military officers.

– The conviction of police officers in the case of Fidèle Bazana, a member of the Congolese organization, *La Voix des Sans Voix*, who disappeared on the day that the president of that same organization, Floribert Chebeya, was murdered.

– Significant media reaction to the FIDH publication *Anti-terrorism and Human Rights: 10 Years of Incompatibility* enabling debate on the issue of human rights protection in the context of the fight against terrorism.

## OUTPUTS / ACTIVITIES

### Reports and notes

– **Ivory Coast:** L'urgence de stopper l'escalade vers la guerre civile, avril, in French

– **Maghreb and Middle-East:** *Anti-terrorism and Human Rights: 10 Years of Incompatibility*, August, in French, English, Spanish, Arabic and Russian.

**Eastern Europe and Central Asia: Anti-terrorism and Human Rights: 10 Years of Incompatibility**, August, in French, English, Spanish, Arabic and Russian.

– **Sub-Saharan Africa:** *Anti-terrorism and Human Rights: 10 Years of Incompatibility*, August, in French, English, Spanish, Arabic and Russian.

– **Asia:** *Anti-terrorism and Human Rights: 10 Years of Incompatibility*, August, in French, English, Spanish, Arabic and Russian.

– **Americas:** *Anti-terrorism and Human Rights: 10 Years of Incompatibility*, August, in French,

English, Spanish, Arabic and Russian.

– **Haiti: Jean-Claude Duvalier must be tried in Haiti**, July, in French

**Number of press release and urgent appeals actions:** 59 in French and English.

### Seminars

– Co-organisation of a round table in France on the theme "30 Years after the Abolition of the Death Penalty in France, A Few Perspectives for the World Abolitionist Movement", with the participation of Robert Meeropol

– Participation in the International Coalition

against Enforced Disappearances meeting in Geneva, November.

– Seminar with representatives from member organisations from state parties of the Shanghai Cooperation Organization (China, Kazakhstan, Kyrgyzstan, Tajikistan and Russia), in the presence of United Nations Special Rapporteur on Human Rights and Anti-terrorism Mission Chile, October, disseminating information and monitoring of the sentencing of former senior members of the Pinochet regime for the disappearance of 4 French-Chilean nationals.

### Judicial Proceedings

Submission of a case before the Inter-American Court of Human Rights on the Mapuche issue - Chile

## FOCUS

### **A Protocol for the abolition of the death penalty in Africa**

Since 2003, FIDH has mobilized, through seminars and draft resolutions, to install a dedicated mechanism within the African Commission on Human and Peoples' Rights (ACHPR) to address the issue of the death penalty. Such a mechanism was put in place in November 2005 at the 38<sup>th</sup> session of the ACHPR with the creation of a specific working group to address this issue. Three of the six experts named to lead this Group, along with two commissioners, are representatives from FIDH member organizations in Senegal, Tunisia and Botswana; FIDH, was designated as an observing member. FIDH participated in all Working Group sessions, contributed to the adoption of its resolutions and to the drafting of the report on the death penalty in Africa. The latter, adopted by the ACHPR

at its 50<sup>th</sup> session in November 2011 calls upon States to abolish capital punishment and recommends establishing a protocol to the African Charter on Human and Peoples' Rights on the abolition of the death penalty in Africa. FIDH will continue mobilizing to make this Protocol a reality.

### **Criminalisation of social protest in Chile**

Since 2003, FIDH supports the Mapuche communities in Chile, especially since the application of the anti-terrorism law against indigenous leaders, which effectively criminalises their protest actions, after a forestry company lodged complaints accusing them of carrying threats and burning one of their eucalyptus plantations. FIDH is representing two Mapuche indigenous leaders (Lonkos) and three leaders on trial

for terrorism. One of the leaders (Lonko) was sentenced to 5 years in prison for terrorist threats and 4 others to 10 years in prison for terrorist fire. In 2011 the Mapuche case was submitted to the Inter-American Court of Human Rights (IACHR) (Case Nb 12.576, Norin Catriman and others). The case comprising pleadings, motions and elements of proof was submitted to the Court on 31<sup>st</sup> December. Following the missions in March and July, different actors agreed to intervene as experts on the case (anthropologists, psychologists, law professors). This case is the first on the criminalisation of social protest to be examined by the IACHR. It demonstrates that as a common practice, the Chilean State applies anti-terrorism law in a selective and discriminatory way to members of the Mapuche communities claiming the land of their ancestors.



*Dzmitry Kanavalau and Uladzislau Kavaliou have been condemned to death on 30 November 2011 and were executed on 16 March 2012.*

# Strengthen the right to effective recourse for victims of international crimes

## Context and challenges

For a victim of international crime to file a claim in the criminal jurisdiction of the country in which that crime was committed is the first step in such a victim exercising their right to truth, justice and reparation. However, issues like the collapse of the judiciary, lack of judicial independence and an absence of protective measures for victims and court personnel can make access to remedies very difficult. Such challenges prevailed in conflict situations in Syria, Chechnya, Eastern DRC and Sudan in 2011. Challenges for the justice system in countries emerging from crisis, in conflict or post-conflict situations, were particularly apparent in the Middle East. In Tunisia and Egypt especially, although commitments towards reforming the administration of justice were made, victims of past regimes and the suppression of demonstrations, experienced significant difficulties in obtaining justice despite symbolic trials against the former leaders of these regimes. In Libya, the will expressed by the new authorities to impartially judge the perpetrators of serious crimes committed under the Gaddafi regime raised many concerns, particularly regarding the authorities' ability to conduct effective investigations. In Côte d'Ivoire, the national investigations conducted into post election violence appeared to favour victor's justice despite assurances from the new authorities. However, proceedings regarding the massacre of 28 September 2009 in Guinea Conakry presented notable advances, even if concrete action is still awaited.

Universal or extraterritorial jurisdiction continued to be invoked by victims of the most serious crimes to circumvent legal obstacles in countries where the crimes were committed or to which suspects had relocated. Such proceedings met with considerable success in many jurisdictions in 2011, particularly in Europe against alleged perpetrators from the Republic of Congo, Rwanda, Chile etc. In Africa, the Hissène Habré case against the former Chadian dictator exiled in Senegal has known new developments; President Wade has expressed the will to expel Habré to Chad and Rwanda has declared its will to prosecute him before Rwandan courts. Chadian victims of the Habré regime have been waiting for over 20 years for his judgment.

2011 was also particularly marked by the opening of a second trial before the Extraordinary Chambers in the Courts of Cambodia (ECCC) against key former Khmer Rouge officials. This hybrid court is facing major challenges including ensuring the effective participation of civil parties and finding consensus between international and Cambodian Co-Prosecutors and Co-Investigating Judges on the opening of new cases against former Khmer Rouge officials linked to the current government.

In addition, two new investigations were initiated by the International Criminal Court (ICC). The first investigation concerns the situation in Libya and was opened on 3 March 2011 after a referral by the UN Security Council on 15 February 2011. Three arrest warrants were issued on 27 June 2011 against Mohamad Gaddafi, Saif el Islam Gaddafi and Abdullah El Senussi. Pre-Trial Chamber I must rule

on a request by the Libyan government to try the latter two accused in Libya. The second investigation was initiated on the situation in Côte d'Ivoire, and former President Laurent Gbagbo was transferred to ICC headquarters in The Hague to stand trial for crimes against humanity and war crimes committed in Côte d'Ivoire in 2010 and 2011. The Prosecutor also requested the issuance of an arrest warrant against the Sudanese Defense Minister Abdelrahim Mohammed Hussein for his alleged involvement in crimes committed in Darfur in 2003/2004. The Pre-Trial Chamber decided against confirming the charges against Callixte Mbarushimana, for his alleged responsibility for crimes committed in the Kivus (DRC), and has released him. The ICC continues to face many challenges, including the lack of state cooperation in the execution of arrest warrants, the effective participation of victims and the protection of intermediaries. The Assembly of States Parties, meeting at its 10<sup>th</sup> session, has also voted against a budget increase for the ICC, which has serious implications for the ICC's ability to fulfil its mission, particularly in pursuing new investigations and guaranteeing a just and efficient legal aid system.

Regarding obstacles at the national level and the lack of jurisdiction of international criminal courts, victims of grave human rights violations also turned to regional and international courts in 2011 in an attempt to establish state and corporate liability. The African Court on Human and Peoples' Rights, operational only since 2009, has already processed several such cases.

## Activities

### > Strategy before national criminal courts

This year FIDH focused on strengthening the administration of justice and the fight against impunity in transition states. It conducted several missions to Tunisia, including a mission of enquiry into human rights violations committed against those demonstrators and persons thought to be demonstrators, arrested and prosecuted since the beginning of the transition period in Tunisia. This mission resulted in a report that was published in July 2011 and presented to the authorities. A seminar on the administration of justice, outlining the report's recommendations and conclusions, was held in Tunisia in January 2012 and led to greater civil society involvement in monitoring reforms. In Egypt, on the basis of its investigation into crimes committed during the repression of demonstrations, FIDH established regular contact with the Attorney General, urging him to continue his investigations into the principal dignitaries of the former regime. In Guinea, FIDH has continued its programme of support to victims of the massacre of September 2008 through judicial and advocacy missions. It has also sought to strengthen the capacity of those fighting against impunity to advance proceedings followed by three investigating judges. FIDH also conducted investigative missions in Côte d'Ivoire reaching out to the new political and judicial authorities. Here it sought to ensure that all parties to the conflict are

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## OUTPUTS / ACTIVITIES

### MISSIONS

#### National justice missions

- Tunisia: advocacy missions in February, July and October 2
- Guinea: judicial and advocacy missions in September and December
- Israel /Occupied Palestinian Territory: fact-finding mission (August-September)
- Colombia: fact-finding mission (July-December)

#### Missions relating to universal or extraterritorial jurisdiction cases

- Chile: mission to raise awareness of the trial and conviction in Paris of former Pinochet regime officials and monitor the execution of the arrest warrants – October
- Chad: mission and follow-up on the Hissène Habré case – November

#### Missions relating to hybrid courts

- Cambodia: judicial/civil party support missions regarding proceeding of the ECCC – March and November
- DRC: research mission to DRC relating to the setting up of an effective Special Mixed Court – April

#### Documentation missions

- Tunisia: documentation mission – May
- Côte d'Ivoire: documentation mission – June

#### Judicial observation missions

- Chechnya: judicial observation missions to Vienna to monitor the murder trial in the Israilov case – January, March and May June

### REPORTS AND OTHER PUBLICATIONS

#### On universal and extraterritorial jurisdiction

- Côte d'Ivoire/Probo Koala: Report on the case of toxic waste dumping in Côte

d'Ivoire and the different legal proceedings initiated – April 2011, in French

#### On national justice

- Tunisia: report on the politicisation of the Tunisian justice system, January 2011, in French and Arabic
- Tunisia: report on Tunisia post Ben Ali, July 2011, in French and Arabic
- Haiti: position paper/amicus curiae defining crimes against humanity under Duvalier's leadership, July 2011, in French
- Chile: report on the state of the national justice system – October 2011, in Spanish
- Chechnya: publication of reports on trial proceedings in Vienna, January, March and May-June 2011, in English and Russian

#### On the ICC / situations regarding crimes within the ICC's jurisdiction

- *The Office of the Prosecutor of the ICC - 9 years on - Analysis of the prosecutorial strategy and policies of the Office of the Prosecutor (2003-2011) : recommendations to the next ICC Prosecutor*, December, in French, English and Spanish
- Côte d'Ivoire: report on post-election violence, April in French
- Libya/ICC: Questions and answers, May, in English
- Syria: *Bashar Al Assad: Criminal against humanity*, July, in English and Arabic
- Israel/OPT: position paper on complementarity, September in French, English and Arabic

#### On hybrid courts

- DRC: Position paper on an effective Special Mixed Court, August, in French

#### On transitional justice

- Morocco: Note on the current situation regarding the follow-up to recommendations by the Equity and Reconciliation

Commission (IER), March, in French

- Afghanistan: Glossary on transitional justice, May/June, in English and Persian

#### Press releases and open letters: 78

#### Advocacy/training on International Justice

- International conference in Pretoria on international justice – March
- Closed conference in Nairobi on intermediaries – April
- Middle East and North Africa Desk (MENA): seminar on international justice in Cairo – June
- Chechnya: exchange seminar in Paris on documentation and universal jurisdiction – June
- Israel/OPT: Conference on the follow-up of the Goldstone case (CCR) – September
- Hissène Habré: strategic exchange meeting in Brussels – October

#### Training and exchange sessions with the ICC

- 4 interaction sessions with local human rights defenders from Yemen, Syria, Libya and Colombia
- NGO/ICC meetings in The Hague – April and October
- Meeting with the Board of Directors of the ICC Trust Fund for Victims – March

#### Institutional meetings with States Parties on the ICC

- Assembly of States Parties, 10<sup>th</sup> session in New York – December
- Meeting with working groups in The Hague in, in particular on the subject of victims
- COJUR-ICC in Brussels – February and June



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*FIDH mission in Chile, notification of the conviction in France of accused detained in the Cordillera prison, Santiago, 27 October 2011*

prosecuted at the national level and before the ICC, and not only the clan of former President Gbagbo.

FIDH is also seeking to shed the light on the crimes committed by the Libyan regime before the revolution. Following the discovery of archives belonging to the Libyan regime, FIDH filed a complaint in France against the company Amesys. The complaint is founded on the extraterritorial jurisdiction of the French courts, and alleges complicity in torture. A French subsidiary of the company Bull, Amesys contracted with Muammar Gaddafi's regime in 2007-2008 to provide a system for intercepting communications, allowing the regime to reinforce its repression. Until 2011, Amesys aided the Gaddafi regime to intercept all online and offline communications across the country, and to process the information collected to target, among the civilian population, a group according to criteria defined by the regime. FIDH has also supported the victims of grave human rights violations on the basis of extraterritorial jurisdiction in several other procedures.

Furthermore, 2011 saw FIDH follow up the French courts' conviction of 13 top officials of Pinochet's dictatorship in coordination with the civil parties, victims' families and human rights NGOs (see focus). The 13 were sentenced to long-term prison sentences for the disappearance of four French-Chilean civilians.

Meanwhile, progression of the Habré case underwent many ups and downs. Although work was progressing with the African Union on a statute for a Senegalese special court to prosecute Habré for crimes committed in Chad between 1982 and 1990, Senegalese President Wade left the negotiating table. Had it not been for the mobilisation of the Collective Habré, President Wade would either have evicted Habré to Chad or delivered him to Rwanda (as proposed by President Kagame) where doubts persisted regarding the justice system's ability to administer justice and fairness that would be respectful of victims' rights. Avenues for justice seeking being blocked in Senegal, FIDH supported the possibility of proceedings in Belgium, in accordance with the duty to "prosecute or extradite". Through Sidiki Kaba, a Senegalese lawyer member of the FIDH Litigation Action Group and FIDH Honorary President, FIDH was able to follow the various developments in the case closely and participated, amongst other things, in important meetings with the Senegalese authorities, civil society, victims and the press in Dakar.

On 1 June 2011, an Austrian criminal court sentenced Otto Kalten-

brunner (born Ramzan Edilov) to life imprisonment, Souleyman Dadaev (aka Muslim Dadaev) to 19 years and 2 months and Tourpal Ali Yeshourkaev to 16 years in the Israilov case (Russia / Chechnya). These sentences were passed for the defendant's involvement in the murder of Umar Israilov following a failed kidnapping attempt that had "intended to deliver him to a foreign power". Umar Israilov, a Chechen refugee in Austria and applicant before the European Court of Human Rights (ECHR), was killed on 13 January 2009 near his home in Vienna. In his application to the ECHR, Israilov accused the President of Chechnya of illegally detaining and torturing him in 2003. The three perpetrators of Israilov's murder were tried before the Criminal Court in Vienna from 16 November 2010 to 1 June 2011. FIDH provided Ali Israilov, father of the deceased, and civil party in the proceedings, legal and material support during the trial. It also facilitated the participation of an FIDH mission delegate in the criminal proceedings, as an expert witness on Chechnya. Finally, FIDH conducted a trial observation mission, composed of a coalition of seven NGOs, who monitored the trial throughout its duration and provided detailed minutes of the hearings. One objective was that the issues discussed and information presented at this trial, which shed light on the practices of and the criminal enforcement by the Chechen government, be known and disseminated.

Finally, the FIDH Litigation Action Group has continued to ensure that proceedings before French courts progress, in particular in the case against the Mohamed brothers of the Relizane militia (Algeria) and the disappeared of Brazzaville Beach (Republic of Congo). FIDH has also continued its advocacy to strengthen the legal framework allowing such proceedings, actively supporting the creation of a specialized unit on war crimes and crimes against humanity in France, which became effective in January 2012.

## > Strategies before international criminal courts

FIDH has been very active in proceedings concerning Case 002 before the Extraordinary Chambers in the Courts of Cambodia. (See Focus).

FIDH firmly supports the establishment of a specialized mixed court for international crimes committed in the Democratic Republic of Congo (DRC) since 1990. FIDH and its member organisations in the DRC called upon the government to review its draft legislation in accordance with the recommendations of a FIDH position paper to ensure the necessary conditions for an effective, impartial and transparent specialized court. Congolese senators, in the special Parliamentary session on 22 August 2011, failed to adopt and returned the draft legislation establishing a specialized mixed court to the government. FIDH and its member organisations will continue to work to facilitate access to justice for victims of international crimes committed in the DRC.

In response to the serious crimes committed in Libya and Syria, FIDH organized exchange sessions in 2011 between the ICC's Office of the Prosecutor (OTP) and civil society representatives in these countries. The sessions aimed to provide the OTP with accurate information regarding the situation in those countries. FIDH also advocated to members of the UN Security Council that the situations

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should be referred to the Court. With regard to Yemen, FIDH organized a meeting between the ICC Prosecutor Luis Moreno Ocampo and 2011 Nobel Peace Prize recipient Tawakkol Karman.

FIDH also continued to submit communications to the ICC Office of the Prosecutor as part of its preliminary analysis of crimes and the functioning of national justice systems in the situations in Gaza, Guinea, Honduras and Colombia. A mission in 2011 resulted in the publication of a report on extrajudicial executions ("false positives") which remain unpunished in Colombia and the transmission of a report to the Office of the Prosecutor in 2012. FIDH has repeatedly called upon the Prosecutor to make public the state of its preliminary examinations.

FIDH published a report on the mandate of the first ICC Prosecutor, presented at the 10th session of the Assembly of States Parties in New York. On this occasion, FIDH expressed its concerns regarding the lack of political and financial support for the Court on the part of States. FIDH continues to fight any reform of the legal aid system that would endanger victim participation before the ICC, such as that initiated by the Registry at the request of States.

Numerous meetings were also held between FIDH's delegation at the ASP, including a representative from FIDH's Israeli member organisation, the Public Committee against Torture in Israel, and ICC and State representatives.

## > Strategies before quasi-judicial regional and international courts

In cooperation with its member organisations, FIDH made the strategic decision to initiate claims before quasi-judicial regional and international courts regarding state and corporate responsibility for human rights violations.

Before the Inter-American Court of Human Rights lawyers are working *pro bono* for FIDH to represent victims in cases brought against the state of Honduras to obtain recognition and sanction of the human rights violations committed during the *coup d'état*. They are also engaged in proceedings against Chile, where they seek to secure reform of the anti-terrorism legislation misused to target the Mapuche community as well as full implementation of the non-applicability of statutory limitations for crimes against humanity.

FIDH has called upon the African Commission on Human and Peoples' Rights (ACHPR) to refer to the African Court the serious human rights violations perpetrated by the Libyan regime in the repression of peaceful demonstrations. FIDH also continued to support plaintiffs in two communications against Sudan and Algeria before the ACHPR.

A collective complaint by FIDH and the Hellenic League for Human Rights concerning alleged violations of the right to health in respect of industrial pollution in the Asopus river was declared admissible in December 2011.

*"[...] the International Federation for Human Rights, an NGO that has historically been at the forefront of the fight against impunity and has worked hard towards the recognition by the Court [the ICC] of victims' rights[...]"*

*Nathalie Nougayrède, Le Monde, 12 July 2012*

## Some results

### At international justice level

– Contributed to preliminary examinations conducted by the ICC Office of the Prosecutor, in particular on the situations in Colombia, Honduras, Guinea and Gaza.

– After years of requests by FIDH, the Office of the Prosecutor published a report on the state of the preliminary examinations carried out by the Office – December 2011.

### At national justice level

– Contributed to the ICC's opening of an investigation into the situation in Côte d'Ivoire on 3 October 2011.

– Supported national proceedings launched relating to international crimes in Guinea and Côte d'Ivoire with FIDH joining proceedings as a civil party alongside the victims it supports.

– Statement issued by the ICC Office of the Prosecutor announcing its monitoring of the situation in DRC given the violence perpetrated in the run-up to the elections.

– Contributed to the draft legislation on the Special Mixed Court in the DRC, which broadly includes the recommendations made by FIDH and its member organisations.

– Statement issued by the ICC's OTP calling on the Guinean authorities to increase their activities in combating impunity for the perpetrators of crimes committed on 28 September 2009 and the days that followed.

– Contributed to proceedings on the suppression of demonstrations, in Tunisia.

– Complaint filed in France on 19 October against the Amesys Company for complicity in torture (judicial investigation launched in May 2012).

– Establishment by the French authorities of a specialized unit on international crimes on 1 January 2012, following years of FIDH advocacy for more effective investigation and prosecution of international crimes in France and evaluation of good practice within existing units.

– Awareness of Chilean authorities, journalists and civil society raised concerning the conviction and sentencing of 13 individuals in France on 17 December 2010. Advocacy provided to enable the execution of the sentences.

– Conviction and sentence secured on 1 June 2011 for 3 perpetrators of the assassination of Israilov in Vienna, after he accused the Chechnyan President of torture and kidnapping.

– Contributed to highlighting the unwillingness of the Israeli judicial system to provide access to justice, truth and reparation to victims, in the context of the Goldstone report on operation Cast Lead and the preliminary analysis by the ICC OTP of international crimes perpetrated in the Occupied Palestinian Territory.

– Contributed to an improved understanding of the issues surrounding victims' rights in proceedings before the Extraordinary Chambers in the Courts of Cambodia.



## FOCUS

### Opening of the trial of Case 002 before the Extraordinary Chambers in the Courts of Cambodia (ECCC)

The year 2011 saw some significant developments in Case 002 (against four former senior Khmer Rouge leaders) before the Extraordinary Chambers in the Courts of Cambodia. Following a long preparation and investigation phase, the trial against three of the accused, Nuon Chea, Ieng Sary and Khieu Semphan, opened on 21 November 2011. The commencement of this trial is an important step for the nearly 4000 civil parties participating in these proceedings. FIDH contributed to the trial via two lawyers from its Litigation Action Group. These lawyers are representing the interests of ten Cambodian victims who are living in France and are civil parties in this case.

At the end of November 2011, FIDH sent and supported a mission comprised of four of the civil parties, two of their lawyers, members of the LAG and a representative from TRACES, who provided the civil parties with the necessary psychological support. This delegation was sent to attend the opening of the trial and to organise a conference on the role and expectations of victims in the trial. In addition, FIDH and its member organisations in Cambodia addressed the 10<sup>th</sup> plenary session of the judges of the ECCC to express their concern over political interference and lack of transparency in proceedings relating to Cases 003 and 004. A press kit was published at that time. For the civil parties involved, this mission represented a return to their country after a very long period and was therefore extremely emotional.

The mission gave them the opportunity to share their experiences and expectations with other civil parties living in Cambodia as well as with the Cambodian diaspora in the USA. It also allowed them to see for themselves how the trial was progressing. The opening of the trial and examination of the facts and crimes suffered by the ten civil parties was also a result of the work of FIDH and the lawyers' legal support activities.

FIDH has thus contributed and continues to contribute to the effective and efficient implementation of the rights of civil party victims to participate in, be represented at and obtain reparation from this hybrid court. The voice of victims ought to be heard so that these proceedings have the greatest possible impact on Cambodian society. Establishing the truth, responsibilities, genuine justice and effective reparation will play a part in ensuring Cambodians acknowledge past crimes. The proceedings before the Extraordinary Chambers have already begun to contribute to this process and to ensuring that such crimes will not happen again.

### Chile – Executing the sentence and the arrest warrants against 12 former leaders of the Augusto Pinochet dictatorship

On 17 December 2010, after proceedings lasting twelve years and a trial lasting eight days, the Paris Criminal Court sentenced thirteen high-ranking officials of Augusto Pinochet's dictatorship (one of whom has since died) to between 15 years and life imprisonment for the torture and disappearance of four Franco-Chileans.

This was the only trial to have reached a conclusion among all those opened in Europe following Pinochet's detention in London.

FIDH organised a follow-up mission to Chile in October 2011. The mission enjoyed extensive media coverage (television, radio and written press), which increased awareness of the trial and its importance in the particular context of Chile today, where the justice system applies a time bar for the prosecution of dictatorship crimes, thereby continuing the impunity of perpetrators. FIDH organised a press conference and advocacy activities in Temuco in the centre of the country where one of the accused lives and works free from prosecution in Chile. The mission travelled to where the four accused who were handed the most severe sentences were being held to notify them of their conviction in France.

Numerous activities to pay homage to and raise awareness of the disappeared were organised in association with civil parties. FIDH took part in the funeral service arranged for one of the four victims whose remains had recently been exhumed and identified.

FIDH will continue to make every effort to ensure that these sentences and arrest warrants are executed in Chile so that the convicted persons are either extradited to France or serve their sentences in Chile. FIDH has therefore authorised Chilean lawyer Roberto Garretón to represent it in the course of proceedings to ensure that such action is taken by Chile. FIDH will continue its advocacy activities towards the new French authorities as well as Chilean authorities.



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FIDH-ADHOC-CJA seminar, "Opening of the trial in Case 002 before the Extraordinary Chambers in the Courts of Cambodia (ECCC): expectations of victims from here and abroad", 21 November 2011 in Phnom Penh.

## Priority 5

# Strengthening respect for human rights in the context of globalisation

### Context and challenges

The popular uprisings calling for dignity and freedom that have taken place since the end of 2010 in North Africa and the Middle East have confirmed that the realisation of economic, social and cultural rights is inseparable from respect for civil and political rights. Nepotism, corruption and social injustice had debased the affected regimes, which repressed all expressions of opposition. The call for social rights to be respected has been heard throughout the world, including in closed countries like China.

As a direct consequence of the global economic crisis social transfers have reduced and inequality has increased. This crisis is worsening, particularly in Europe. The protection of economic and social rights in this context is all the more important because entire sections of the population risk being marginalised. Meanwhile, the economic crisis is increasing public awareness of the responsibility of private actors and generating demands for change in their behaviour.

Globally, pressure on the earth's limited resources is growing relentlessly. International competition for access to minerals, arable land and water resources is increasing, often creating social tensions.

Human rights NGOs are often ill-equipped to document the impact of economic projects on human rights, especially when they occasion environmental degradation. This makes it difficult to identify the respective responsibilities of the various agents involved and to advocate at the relevant national, regional and international levels and/or to make use of existing remedies. This difficulty is compounded by the opaque and complex structures of economic actors, as well as lack of public pressure on agents based in emerging economies less susceptible to public pressure, or where social protest is repressed. Addressing the responsibility of financial actors and financial regulation is a complex task for non-specialised NGOs.

### Activities

#### > Hold multinational corporations accountable for their Human Rights impact

##### Documenting the impact of corporate activities on human rights and determining responsibilities

In 2011, FIDH focused on four main situations.

FIDH published reports on the human rights impact of investment projects in Brazil and Ecuador in 2010-2011. These situations were selected by FIDH from a number of cases suggested by its member organisations on the basis of several criteria. This criteria included the fact that civil society had expressed a need for external support; the symbolic nature of the case, which the assist in analysing such situations in other countries; and the possibility of a dialogue with the government and the company involved.

- In Ecuador, FIDH and its member organisations requested a moratorium on large-scale mining in the country. This request was based on the conclusions of FIDH's report concerning the mining company, Ecuacorriente (subsidiary of the Canadian company Corriente Resources acquired by a Chinese consortium) plans to exploit the first large-scale open-pit mine in the country. An advocacy mission visited Quito, and various round-table discussions were set up with companies, state institutions, civil society and the media, to discuss the report's recommendations with all those involved. To facilitate dialogue with the company, a summary of the report was translated into Chinese. FIDH attempted to meet with the company's new managers, but the company did not respond to its request.

- In Brazil, FIDH and its member organisations and partners were able to establish that the activities of steel companies working with and on behalf of the Brazilian multinational VALE, were prejudicing the right to health of surrounding communities. FIDH thus directed advocacy at local and federal authorities as well as the companies involved, with a view to

achieving the relocation of Piquiá de Baixo village, seriously affected by air pollution. FIDH and its partners argued that the process of granting a new site to this community should be accelerated. Despite some tension between the Brazilian NGOs, it was possible to open a dialogue, which will be continued in 2012. These two reports also gave rise to improvements in the impact assessment tool developed by the organisation Rights and Democracy. FIDH plans to continue using this methodology with its member organisations.

- **Cambodia:** In Cambodia, the company Socfin-KCD, named in the FIDH mission investigation report into the impact of rubber plantations on the indigenous Bunong, reacted strongly to the report entitled *Land Cleared for Rubber, Rights Bulldozed* (see Focus 2).

- **Spain:** FIDH has also looked at the intensive agricultural production model used in Southern Spain and its social consequences, as part of its cooperation with French retail group Carrefour. This initial work on the food industry supply chain aimed to shed light on problems specific to this sector. This area was selected for attention because of its unique system of recruiting female migrants, sometimes held up as a model for circular migration at EU level. A mission of inquiry into strawberry plantations in the Huelva region revealed instances of infringements of seasonal workers' rights. FIDH focused in particular on the "recruitment at source" system which aims

to regulate migratory flows and meet farm labour needs. The report, which was published in January 2012, was shared with retail companies under the Global Social Compliance Programme (GSCP), to encourage them to take human rights into consideration in their food supply chains, paying particular attention to the rights of migrants. FIDH is using the report to demand changes in European policy on circular migration.

### Using legal levers and redress mechanisms to challenge corporate responsibility

In order to shed light on the responsibilities of French company, Amesys, which had supplied surveillance technology to the Gaddafi regime in Libya, FIDH filed a complaint against the company in France, alleging complicity in torture. This complaint forms part of FIDH's work in shedding light on past crimes in Libya and identifying those responsible. FIDH also mobilised to support claims for compensation by villagers living near a mine in the Democratic Republic of Congo, operated in a joint venture with the Belgian company George Forrest International; the villagers' homes had been destroyed in 2009 in the course of an operation to supposedly remove illegal artisanal miners.

### Reinforcing the legal framework for human rights and business

FIDH has taken part in the UN, EU and OECD debates on corporate responsibility for human rights. In 2011, at the end of

## OUTPUTS / ACTIVITIES

### Missions of inquiry / case studies

- **Brazil:** advocacy mission upon publication of a case study on the impact of mining and steel industry in Maranhão
- **Ecuador:** advocacy mission upon publication of a case study on large-scale mining
- **Spain:** mission of inquiry into working conditions in strawberry plantations

### Strategic workshops / training for civil society

- Seminar on economic, social and cultural rights, Algiers, April
- Workshop on Optional Protocol to the ICESCR, World Social Forum, Dakar, February
- Workshop on Business and Human Rights, World Social Forum, Dakar, February
- European Parliament Round Table: "Trade, business and human rights", July
- 3 workshops on corporate responsibility, Chile, October

### Publications

- **Ecuador:** *Large-scale mining in Ecuador: the urgency for a moratorium to prevent*

*human rights violations*, January. Complete version in Spanish, summary in French, English, Spanish and Chinese

- **Cambodia:** *Cambodia: Land Cleared for Rubber, Rights Bulldozed. The impact of rubber plantations by Socfin-KCD on indigenous communities in Bousra*, Mondulkiri, October 1. Complete version in English and Khmer, summary in French (complete French version published in 2012)

- **Brazil:** *Human rights: victims of the mining and steel industry in Brazil*, May, complete report in Portuguese, summaries in Spanish and English (complete English version published in 2012)

- **Côte d'Ivoire:** *Probo Koala affair: victims denied legal remedy*, April, in French

- **Practical guide:** *Corporate Accountability for Human Rights Abuses: A guide for victims and NGOs on recourse mechanisms*, updated version in Spanish, November

### Use of protection mechanisms

- European Committee on Social Rights: a collective complaint with the Hellenic League

for Human Rights, alleging violations of the right to health relating to the industrial pollution of the Asopos river, filed in July. A collective complaint was also filed in December by FIDH on behalf of the Belgian Human Rights League and 15 Belgian associations alleging violations of the rights of people with disabilities to health, social security and housing

- **UN CESCR:** alternative reports submitted on Russia to inform compliance review

- **French Courts:** Petition filed in France against the company Amesys for having supplied surveillance equipment to Gaddafi regime in Libya, October

- **US Courts:** *Two amicus curiae* briefs were submitted to the United States Supreme Court in the *Kiobel v. Shell* case, prepared by the Center for Constitutional Rights and co-signed by FIDH





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Destroyed pharmacy, Kawama, DRC, November 2009.

the mandate of the UN Special Representative on Business and Human Rights', the Guiding Principles on Business and Human Rights were adopted by the Human Rights Council. These principles were reflected in various instruments such as the performance standards of the International Finance Corporation and the OECD Guidelines for Multinational Enterprises. FIDH welcomed this outcome, while highlighting the final document's shortcomings. It argued for the establishment of an effective monitoring mechanism to allow particular cases to be examined and open the way to further normative developments. A working group was set up, but unfortunately its mandate does not include the examination of individual or collective communications. At EU level, FIDH has been very active within the European Coalition for Corporate Justice (ECCJ) (see Focus 1).

### Training and equipping local activists

To support civil society organisations in their work on corporations, FIDH has continued to distribute its 2010 guide on the mechanisms that can be used to assert the responsibilities of such entities. In November 2011, an update version of this resource was also published in Spanish. FIDH has organised and participated in training sessions and exchanges founded on this guide, in Senegal (February, at the World Social Forum), Benin (June) and Cameroon (June), as well as Chile (October), Finland (October) and at a civil society hearing parallel to the ASEAN Summit in Jakarta in May. Around 200 people participated in the exchanges of experience organised by FIDH in 2011.

## > Strengthening the protection of economic, social and cultural rights (ESCR)

### Protecting ESC rights and working for their justiciability

FIDH has continued to mobilise for improved protection of economic, social and cultural rights, and in particular for ratification of the Optional Protocol to the ICESCR. It has done so by raising awareness of these rights and their justiciability amongst civil society actors, including at the World Social Forum in Dakar in February 2011. Following the CESCR's review of Algeria in 2010, FIDH organised a training seminar with its Algerian partners to encourage local organisations to make use of international instruments and mechanisms in their

work. Following several years of awareness raising work on ESC rights among partners in Russia, these organisations seized the opportunity of the CESCR's review of Russia, to present alternative reports specifically looking at the economic and social rights of homeless persons, Roma and migrants. With its organisations in Greece and Belgium, FIDH submitted two collective complaints to the European Committee of Social Rights, a mechanism that is particularly useful and readily accessible to NGOs.

### Promoting extraterritorial obligations

FIDH has participated in the development of the Maastricht Principles on Extraterritorial Obligations of States in the area of Economic, Social and Cultural Rights, adopted in September 2011. FIDH uses these principles to strengthen its arguments to European states for increased regulation of business and greater focus on the human rights impacts of free trade agreements negotiated with third countries. Thus, an event was held at the European Parliament in July 2011 to raise the awareness of European decision-makers of the need to integrate human rights into their commercial and investment policies. FIDH participated in discussions with civil society and EU institutions on this issue throughout 2011, with reference both to the human rights situation in the countries with which the EU negotiates and the mechanisms that should be set up to ensure that agreements do not undermine human rights. FIDH has given particular attention to making sure that human rights are a key subject in trade negotiations with Peru and Colombia.

## Some results

### At national level

- Following the publication of FIDH's report, discussions to relocate communities affected by pollution from steel plants accelerated in Brazil.
- In 2011 and following FIDH's report, affected communities in Bousra commune mobilised to register themselves as an indigenous population, a prerequisite for acquiring collective title over land; in 2012, the Cambodian government announced that it was suspending grants of economic land concessions;
- In its final observations on Russia, the CESCR criticised the system for recording place of residence (*propiska*), which governs access to basic social services.
- A collective complaint by Greece's Hellenic League for Human Rights and FIDH, alleging violations of the right to health relating to the industrial pollution of the Asopos river, was declared admissible in December 2011.

### At EU level

- The European Commission adopted a new communication on corporate social responsibility, recognising the need to go beyond voluntary measures and to regulate businesses. It recognised the need for greater policy coherence by adopting a new definition of corporate social responsibility and announcing a series of measures, notably a proposal for legislation on non-financial reporting.
- A committee has been established to monitor the "sustainable

development" chapter of the free trade agreement with South Korea, with the participation of civil society, including FIDH.

#### **At global level**

- Over 200 human rights defenders, from 25 countries and 5 regions, were trained on recourse mechanisms available in respect of corporate-related human rights abuses.
- By the end of 2011, 5 States had ratified the Optional Protocol to the ICESCR.

– The guiding principles on business and human rights were adopted in June 2011, with a monitoring mechanism. They reiterate the respective responsibilities of States and businesses and recognise victims' rights to a remedy. The guiding principles explicitly refer to the need to consult affected communities and not to impede the actions of human rights defenders.



© Nils Vanderbolt  
Residents of Piquiá de Baixo affected by nearby mining and steel industrial activities, Açailândia, Brazil.



## FOCUS

### **"Rights for all, rules for multinationals": FIDH action with the European Coalition for Corporate Social and Environmental Responsibility (ECCJ)**

Several years of advocacy at European level via the ECCJ coalition, on whose steering committee FIDH sits, and developments at the UN and OECD in favour of recognising the respective human rights responsibilities of States and corporations have led to a fundamental change in the European corporate responsibility debate. The ECCJ argues that the EU should go beyond encouraging corporations to take voluntary measures in the field of corporate social responsibility (CSR). It states that corporations should be more transparent regarding their environmental and social impacts; that parent companies should be held responsible for the activities of their subsidiaries or commercial partners; and that victims should have access to justice.

Action taken by FIDH in 2011 includes:

- helping to draft ECCJ position papers, notably in response to consultations launched by the European Commission concerning non-financial reporting and class actions;
- organising a European Parliament workshop in July 2011;
- participating at the conference of the Polish Presidency of the EU in September 2011;
- collecting signatures from private corporations and forwarding them to the European Commission in support of its demands; and
- participating in numerous meetings with representatives of the Commission (Directorate General for Business, Directorate General for Trade, Directorate General for Justice), member states and the European Parliament.

FIDH also challenged European institutions concerning European corporate activities in repressive countries, notably in the context of the Arab Spring, as well as infringements of economic, social and cultural rights.

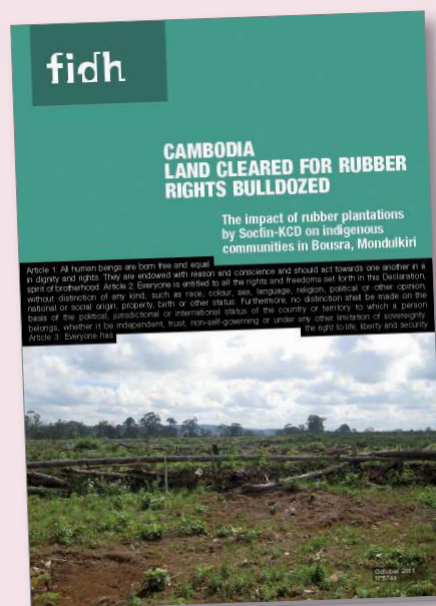
These activities resulted in the adoption in November 2011 of a new EC communication on CSR setting the direction for the future. For the first time, the Commission recognised the need for voluntary measures to be supported by regulation. It announced legislation on non-financial reporting, asked member states to adopt

national action plans to implement the UN Guiding Principles on business and human rights, and undertook to work for further policy coherence. This was an important advance, and has taken several years of mobilisation. The ECCJ welcomed this development, though regretted that certain matters, including access to justice, had been neglected. The ECCJ will continue to mobilise, together with FIDH, to ensure that future measures really are able to help achieve greater accountability on the part of European corporations.

### **Cambodia / support for indigenous people threatened by industrial rubber plantations**

In October 2011, FIDH published its investigative mission report carried out in Cambodia in December 2010. The inquiry focused on the impact of rubber plantations in the province of Mondulkiri. These plantations are operated under a joint venture (Socfin-KCD) between the Luxembourg holding company Socfin ('owned by Bolloré Group and companies belonging to the deRibes and Fabri families in Belgium) which has an 80% shareholding in the venture, and the Cambodian company KCD. The mission was conducted at the request of a FIDH member organisation in Cambodia. It came after several years of mobilisation by FIDH in order to protect human rights defenders, notably defenders of rights relating to land and housing, who have been severely repressed for their activities in Cambodia. The report revealed irregularities in the granting of economic land concessions and violations of the rights of the indigenous Bunong communities (around 850 families). Rights violations included lack of consultation and adequate compensation, damage to sacred sites, and insecure working conditions, as well as threats to the economic, social and cultural rights of an increasingly vulnerable community. Although the company received a copy of the report before publication, it did not react and later demanded (and was granted) a right of reply after the report was issued, wherein it contested certain points in the report and threatened FIDH with legal action. FIDH publicly replied and maintained its analysis and conclusions. A delegation of Cambodian human rights defenders, accompanied by FIDH, presented the report's conclusions

to European institutions in Brussels in order to attract their attention to violations involving European companies. FIDH also challenged the Luxembourg authorities, notably via members of the Luxembourg parliament, on their responsibility to better regulate companies under Luxembourg's jurisdiction. Despite the company's reaction, FIDH hopes it will agree to review its compensation process for the communities affected. Publication of the report has helped to mobilise the communities affected and to accelerate the process of officially registering the communities as an indigenous population.





## Priority 6

# Mobilising the community of States

### Context and challenges<sup>1</sup>

In 2011, the popular protests in the Arab world had significant echo in the work of international and intergovernmental organisations, triggering a mobilisation towards more tangible and effective human rights mechanisms and policies. While these developments are welcome, there are ongoing challenges to be addressed, to further improve the international community's response and its contribution to strengthening human rights throughout the world. Some of these trends can be summarised as follows:

#### **Strengthening consideration of country situations by the UN Human Rights Council**

As the principal body mandated to respond to human rights crises, the UN Human Rights Council (HRC) has failed over the past years to address specific human rights crises. With the establishment of the Universal Periodic Review, which provides a universal peer-review of all country situations, and considering that countries traditionally supporting country resolutions had become a minority within the Council, the past years had seen the downgrading or termination of specific country mandates, or the absence of resolutions in response to grave human rights crises.

In this environment, the Arab Spring and the broad media coverage it attracted, combined with a more favourable membership of the HRC, resulted in the institution regaining its legitimacy in tackling country situations, notably through the development of country specific instruments in situations where there is a serious pattern of violations. In particular, 2011 saw the adoption of new country mandates on: Belarus, Ivory Coast, Libya, Syria, South Sudan, as well as the upgrading of the resolution on Iran, with the establishment of a new Special Rapporteur. In this context as well, the exclusion of Libya from the UN Human rights Council in response to the deliberate killing of unarmed civilians- has to be seen as a landmark development, as the possibility to do so was initially perceived as an intangible “nuclear threat” rather than as a sanction States would actually ever use.

Yet, these developments remain limited and should be considered parallel to the failure of the “review” of the Human Rights Council to achieve any progress in this field: FIDH had advocated in particular to enhance the capacity of the UN HRC to respond to human rights violations in developing prevention and early warning mechanisms and a more sustained follow-up on chronic human rights situations, notably through the establishment of independent triggering mechanisms for the consideration of country situations at the Council (such as providing the High Commissioner for Human Rights, the Secretary-General, or a group of special procedures mandate holders, the possibility of putting forward an issue for discussion by a joint request triggering a formal discussion in the Council). Despite intensive advocacy efforts, a strong group of States (notably Egypt, Pakistan, Russia, China, Ecuador and Cuba) continuously opposed any independent mechanism for the Council to address urgent and chronic situations of human rights violations.

#### **Strengthened yet insufficient mobilisation of the UN Security Council**

In parallel, the UN Security Council also reacted strongly to human rights crises, notably those of Libya and Yemen. Yet, the response remained insufficient or inadequate. As an illustration, while the resolutions and intervention of the Security Council on the situation in Yemen were necessary and welcome, the level and quality of the response remains unsatisfactory: while one can only welcome the mobilisation in favour of the ousting of the Saleh regime, the provisions for its impunity and the lack of a human rights and democratic approach to the Yemeni transition failed to satisfy the UN's human rights mandate. On Syria, the Council remained blocked by the veto of China and Russia to call the Syrian regime to account for its crimes against humanity. Here, the persistence of the veto power over alleged crimes against humanity should be prevented and calls made for the reform of the UNSC's rules of procedure.

#### **Safeguarding norms and expanding protective capacities**

After several years of controversy, the attempts to re-consider the existing human rights norms through the initiatives on the “defamation of religions” were limited at the UN Human Rights Council and the General Assembly. Sustained advocacy contributed to the modification of the resolution from “defamation of religions” to “tackling intolerance, discrimination, violence and incitement to violence based on religious grounds”. Lobby efforts towards African countries and members of the Organisation of the Islamic Conference resulted in their support to the new resolution.

<sup>1</sup> The analysis and developments in this section refer to the context of and the activities developed to the European union, the United Nations in Geneva and New York, as well as to the US Administration in Washington. Section 7. of this report outlines the context and advocacy around regional human rights mechanisms.



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Jean Marie Rogue (FIDH, Delegate to the EU in Brussels), Sacha Koulaev (FIDH, Head of Eastern Europe and Central Asia Desk), Valentin Stefanovich Vice-President of the Human Rights Centre "Viasna") with Stefan Füle (European Commissioner responsible for enlargement and European neighbourhood policy) on the case of Ales Bialiatzki.

In addition, the Human Rights Council broadened its coverage of victims and authors of human rights violations in establishing two new resolutions on the discrimination against Lesbian, Gay, Bi-sexual and Transgender persons and on Business and Human Rights, in responding to corporate violations. Protective capacities were also developed with the establishment of new mandates on freedom of assembly and the right to peaceful protest, as well as on discrimination against women.

### Mainstreaming human rights within trade policies

At the EU level, with the implementation of the Lisbon Treaty, the EU's foreign policy was progressively revisited with, on the EEAS side, consultations for a global human rights strategy. EC delegations, progressively defined country per country human rights strategies in consultation with civil society. At the European Parliament, its enhanced role within the Lisbon Treaty was formulated with strong a human rights approach to trade and development, notably in calls for the inclusion of human rights impact assessments of trade agreements.

### Activities

In 2011, FIDH organised 67 training sessions (interfaces) in Brussels, Geneva, New York, and Washington, enabling the participation of 71 human rights defenders in various institutions' work. Advocacy targeted the following:

#### United Nations

- Obtain and consolidate country specific mobilisation of the Human Rights Council (HRC) on the DRC, Haiti, Iran, Ivory Coast, Myanmar and Sudan, and on countries of the Arab Spring (Bahrain, Egypt, Libya, Syria, Tunisia, Yemen).
- Development of the HRC mandate on business and human rights, and on LGBTs.
- Enable the termination of the HRC and General Assembly (GA) resolutions on defamation of religions.
- Inform and mobilise UN Counter Terrorism Executive Direc-

torate, UN General Assembly debates on counter-terrorism, US foreign policy institutions on the challenges to human rights of the Shanghai Cooperation Organisations' structures and policies on counter-terrorism, and on their implementation by SCO countries (China, Kazakhstan, Kyrgyzstan, Russia, Tajikistan, Uzbekistan).

#### European Union

- Raise awareness on the impact of business and trade on human rights, and contribute to mainstreaming human rights into the trade and business policies. FIDH organised a *decision makers'* round table and participated in hearings at the European Parliament in this regard.
- Contribute to the EU human rights and political dialogues (held notably with Cambodia, China, Colombia, EECA states, African union, Indonesia, Mexico, Russia Vietnam, in the framework of Neighbourhood policy dialogues, and of Article 8 Cotonou dialogues) and mapping out of the EU country strategy papers. Follow-up and mobilisation of the EU human rights focal points.
- Develop the evaluation of the EIDHR funding instrument in preparation of the new financial perspectives.

#### Country-specific strategic mobilisations included

- *Africa* – Cameroon (women's rights), Chad (impunity), Democratic Republic of the Congo (strengthening of the consideration of Human rights and the protection of human rights defenders and the framework of the review of MONUSCO), Djibouti (HRDs), Ethiopia, Ivory coast, Kenya, Uganda.
- *Asia* – Afghanistan (impunity, democracy and rule of law), Burma (post-electoral framework, call for Commission of inquiry), Cambodia (European sugar companies' responsibilities in forced evictions and freedom of association), China (« counter-terrorism » ; lawyers and HRDs), Indonesia (counter-terrorism and defenders), Iran (death penalty, human right defenders, women's rights and rights of minorities – mobilisation for targeted sanctions against human rights offenders).
- *Eastern Europe and Central Asia* – Russia (racism and discrimination, counter-terrorism, elections), Kyrgyzstan Uzbekistan, and Kazakhstan's counter terrorism policies, Belarus post electoral situation and arrest of human rights defender Ales Bialiatzky
- *Latin-America* – Argentina (migrants), Brazil (violations in mining industry), Colombia (accountability for abuses of security services), Ecuador (impact of corporations on indigenous peoples), Haiti (post-earthquake and rule of law), Mexico (organised crime and drug security policies).
- *Middle East, North Africa and Gulf countries* – Israel and the Occupied Palestinian Territories (OPTs), Morocco (Western Sahara) and mobilisation on the human rights crises through the region, notably in Tunisia, Egypt, Yemen, Bahrain and Syria.
- *Cross-regional* – mobilisation on the Shanghai cooperation agreements and the impact on human rights of its counter-terrorism policies and practices.

### Some results

FIDH contributed to the development of UN jurisprudence qualifying human rights violations, and formulating recommendations to address concerned situations. The vast majority of the concerns

documented by human rights defenders participating in interfaces before expert based mechanisms were echoed in country conclusions or recommendations. This was a direct outcome of the quality of the reports produced and of the relevance of the various briefings and meetings organised around Treaty Bodies (CESCR Russia, CCPR Iran, CEDAW Kuwait, CAT Turkmenistan, CE-SCR Israel). The advocacy organised around Universal Periodic Review resulted in systematic echoes of recommendations. Following Interfaces with the Foundation for Human Rights Initiative (Uganda), the totality of the States which were met not only took the floor during the review but asked questions and gave recommendations in line with FIDH suggestions, notably on the Public Order Management Bill and freedom of assembly. On Niger, following advocacy with the Association nigérienne pour la défense des droits de l'Homme (ANDDH), countries included specific recommendations on female genital mutilation or awareness-raising campaigns for the scolarisation of girls.

In addition, the following non-exhaustive results were achieved through FIDH's **strategic advocacy on specific countries** at the international level (non exhaustive list):

- *Interfaces* with human rights defenders from **Syria** contributed to the establishment by the Human Rights Council of a Commission of inquiry following the repression of demonstrators in the country.
- In Geneva, the interface initiated the first public roundtable,

gathering UN experts, NGOs, EU officials and diplomats from North Africa, to discuss the issue of the refugees of the **Libyan** crisis. This responded to a resolution adopted by the Human Rights Council in June on that situation, which had divided European and African countries. In addition, the meetings of the Libyan human rights defender with assistants of Special procedures were an opportunity for him to understand the mandate and work of the UN human rights mechanisms, and for the procedures to receive direct information from the field. In Brussels, the interface was followed by two written questions of members of the European Parliament to the European Commission on the situation raised. Commissioner Margot Wallstrom intervened in the European Parliament in response. In addition the President of the European Parliament scheduled to visit the refugee camps in Tunisia on his first visit to the country after the revolution.

– On **Iran**, FIDH set-up Ambassadorial lunches prior to the 16<sup>th</sup> session of the Human Rights Council (HRC) in Geneva, on the occasion of the visit of Ms Shirin Ebadi, to support her advocacy in favour of the creation of a Special Rapporteur on Iran to monitor the human rights situation. Consequently, the HRC successfully adopted a resolution establishing an independent expert on Iran, thanks to intense lobby efforts to change the vote of Senegal, Brazil and South Korea in favour of the resolution. Advocacy at the Human Rights Committee's fed concluding observations on the situation of freedom of expression, of religion, the death penalty, systemic issues with the judiciary and the situation of

## OUTPUTS / ACTIVITIES

### Interfaces

- In 2011, FIDH organised 67 training sessions (interfaces) in Brussels, Geneva, New York, and Washington, enabling the participation of 71 defenders to various institutions' work
- UN Security Council and Counter-terrorism Committee: Bahrain, Democratic Republic of the Congo, Indonesia, Russia, Syria, Yemen
- Third Committee of the General Assembly: Burma, Iran, OPTs
- UN Human Rights Council sessions: Bahrain, Belarus, Colombia, Democratic Republic of the Congo, Egypt, Haiti, Iran, Ivory Coast, Libya, OPTs, Syria, Sudan, Tunisia, Yemen
- Universal periodic review: Austria, Georgia, Niger, Tajikistan, Uganda
- Treaty body sessions: Argentina (Committee on Migrant workers), Kuwait (Committee on the Elimination of Discrimination Against Women), Iran (Human Rights Committee), Israel and OPTs, Russia (Committee on Economic, Social and Cultural Rights),

Turkmenistan (Committee Against Torture)

- European Union institutions: Afghanistan, institutions of the African Union, Bahrain, Belarus, Burma, Cambodia, China, Colombia, Democratic Republic of the Congo, Iran, Ivory Coast, Kenya, Libya, Mexico, Niger, Russia, Syria, Yemen
- US administration: Bahrain, Indonesia, Russia, Syria, Yemen
- In addition, FIDH organised in Brussels a *decisions maker* round table on the impact of business and trade on human rights.

### Reports / Briefing notes / Open letters United Nations

- In Geneva **64 shadow reports, written submissions, position papers, briefing notes, and advocacy documents** targeting the UN mechanisms and institutions were published and distributed. They focussed on *country situations*: Argentina, Bahrain, Cameroon, Chad, Ecuador, Ivory Coast, Djibouti, Ethiopia, Haiti, Iran, Israel, Kenya, Kuwait, Libya, the OPTs, Russia, Sudan,

Syria, Tadjikistan, Tunisia, Turkmenistan, Uganda, Yemen; and *thematic considerations*: Business and Human Rights, Discrimination against LGBT, Incitement to hatred, the Review of the UN HRC in New York and Washington

- **14 briefing notes and open letters** were released on Bahrain, the DRC, Indonesia, Ivory Coast, Myanmar, Russia, Syria, Yemen and on the International Criminal Court

### European Union

- **19 open letters and briefing notes** were released, on Bahrain, Belarus, Burma (2), Cambodia (2), China, Colombia, EU-African Union, EU universal jurisdiction, EU trade, HRDs, Iran, Libya, Malaysia, Mexico, Russia, Uzbekistan, Yemen
- **16 targeted urgent appeals** to EU delegations on **human rights defenders** in Bahrain, Belarus, Cambodia, Colombia, Iran, Russia, Syria, Vietnam, Yemen



human rights defenders were taken up by the members of the Committee. At the EU level, the advocacy carried towards PSC ambassadors contributed to the adoption, on April 12 2011, of a list of targeted sanctions against 32 Iranian human rights violators (Decision 2011/235/PESC), subsequently extended on 10/10/2011.

– Advocacy on **Burma** in Brussels with defenders contributed to the mobilisation in the run-up to the interface at the General Assembly in New York and briefed EU officials responsible for the drafting of the resolution on Myanmar at the UN General Assembly. Further interfaces at the UN in New York strengthened the support of the resolution on human rights in Myanmar of the UNGA's Third committee. 25 delegations were met and either maintained their support for the resolution or changed their votes from Abstention to Yes, or from a negative vote to Abstention (Indonesia, Ivory Coast, Kenya, Togo, Tunisia).

– Advocacy on **Ivory Coast** with Ivorian human rights defenders in Brussels contributed to the strengthening of the statements of Catherine Ashton, EU High Representative for Foreign policy, referring notably to calls for international justice for perpetrators of human rights violators, to the extension of sanctions in view of the gravity of the situation, and to the adoption of an urgent

resolution by the European Parliament. In Geneva, these activities contributed to the decision by the HRC to establish an international Commission of Inquiry on post-electoral violations.

– Following the advocacy with human rights defenders from **Bahrain** in Brussels, several members of the European Parliament echoed concerns in two resolutions subsequently adopted on April 7 and July 7. In Washington, the briefings intervened right after the release of the National commission of investigation's report on the unrest in Bahrain, providing with an independent assessment to analyse the report.

– Alerts and advocacy on the detention and condemnation of human rights defender Ales Bialiatsky of **Belarus**, Chairman of Viasna and Vice-President of FIDH, led to the adoption of a dedicated resolution of the European Parliament and to strong public declarations of EP President Buzek, of the High Representative of the Union for Foreign Affairs and of numerous EU member States, as well as from the UN High Commissioner for Human Rights. Outreach to the Polish Minister for Foreign Affairs also enabled the release to M. Bialiatski's lawyer of all the relevant information delivered by Polish Prosecutors to the Belarussian authorities.

## FOCUS

### Yemen

Throughout popular revolts unfolding in North Africa and the Middle East, FIDH supported its member organisations' interaction with IGOs, so as to brief on situations and advise on how the international community should respond to these. Building on the interfaces of the past year around issues of counter-terrorism and human rights in Yemen, FIDH has set up several series of meetings to the EU in Brussels, the UN in Geneva and New York as well as to the US administration in Washington, in order to inform on local dynamics, and advocate for targeted mobilisation.

Briefings with diplomats and ambassadors and public events were organised in Geneva on the eve of the 17th and 18th sessions of the UN Human Rights Council. In Brussels, meetings were held with high level officials, including the EU High Representative for Foreign policy

Catherine Ashton, the President of the European Parliament Jerzy Buzek, and through a hearing at the Political and Security Committee with the 27 EU PSC Ambassadors. In New York, meetings were organised with UN Security Ambassadors. The recent award of the Nobel Peace Prize to journalist and Human Rights defender Tawakkol Karman certainly contributed to the audience obtained for the latter meetings.

Following these meetings, several UN Member States and the UN High Commissioner for Human Rights echoed their concerns in oral interventions at the June and September sessions of the Human Rights Council. The mobilisation contributed to the adoption of:

- Resolution of the UN Human rights Council on Yemen – 19<sup>th</sup> session – March 2012 <http://daccess-ods.un.org/TMP/1280186.7723465.html>
- Resolution of the UN Human rights

Council on Yemen – 18<sup>th</sup> session – September 2011 - <http://daccess-ods.un.org/TMP/5710162.52040863.html>  
– UN security Council resolution 2014 on Yemen, October 2011, <http://www.un.org/News/Press/docs/2011/sc10418.doc.htm>  
– EU declarations and statements on Yemen - [http://www.eeas.europa.eu/yemen/news/index\\_en.htm](http://www.eeas.europa.eu/yemen/news/index_en.htm)  
– The European Parliament resolution of 7 July 2011 on the situation in **Syria, Yemen and Bahrain** in the context of the situation in the Arab world and North Africa includes FIDH's concerns. [http://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P7-TA-2011-0333&language=EN&ring=B7-2011-0446#def\\_1\\_1](http://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P7-TA-2011-0333&language=EN&ring=B7-2011-0446#def_1_1)



*The EU High Representative for Foreign policy, Catherine Ashton with Tawakkol Karman, Nobel Prize 2011, and Ezzedine Al Asbahi, President of HRICT (Yemen), FIDH member organisation.*

## Priority 7

# Support the respect for human rights and the rule of law in conflict and emergency situations, or during political transition

### Strategies

To fulfil the goals set out in its action plan, FIDH has implemented the following strategic actions:

#### **Build capacity regarding urgent documentation on serious violations of human rights**

FIDH intends to enhance its capacity to rapidly respond to conflicts, crises and violence by working with its partner and member organisations on documenting, as quickly and as safely as possible, situations that are marked by massive violations of human rights. This includes realising incriminating documents. In order to achieve this, FIDH will respond to the expressed needs of its member organisations, especially those in North Africa and the Middle East, providing training on accurate and effective documentation of events, and the use of secure means of dissemination of information.

Documented denunciations and condemnations conveyed by intergovernmental and human rights protection bodies and the media have a dissuasive effect on the perpetrators.

#### **Support the capacity of national human rights NGOs to take action and influence the national authorities**

FIDH intends to work more closely with its partner and member organisations to interact with national authorities, such as representatives of the executive, legislative and judicial powers. This support will be structured through the joint formulation of recommendations on the protection of human rights and democratic principles (conclusions of missions and seminars, preparation of road maps) and the strengthening of platforms for constructive on-going dialogue with the authorities through the organisation of panel discussions and advocacy, which should enable those involved to contribute to the settlement of conflicts and crisis by identifying the precise legal and

institutional actions and reforms needed to consolidate the rule of law and democratic principles.

#### **Implement litigation strategies to fight the impunity of perpetrators of the most serious crimes**

To continue to fight for the right to justice, truth and compensation for the victims of the most serious crimes, and to work on preventive measures and consolidate the rule of law as the basis for lasting stability, FIDH, through its Legal Action Group, intends to develop its litigation action strategies at the national, regional and international levels. FIDH will work with its member and partner organisations to demonstrate the importance of ensuring that the responsibility of perpetrators of the crimes is recognized, through supporting victims before national and extra-territorial courts or international judicial bodies, or by applying the principle of complementarity. Banking on its experience, FIDH will increase its actions before the regional judicial and quasi-judicial bodies such as the Inter-American Court of Human Rights and the African Court on Human and Peoples' Rights, to establish the responsibility of the State or companies for human rights violations.

#### **Mobilise selected intergovernmental bodies and regional and international human rights mechanisms and influential diplomatic representation**

Through advocacy activities in collaboration with representatives of its partner and member organisations, FIDH will continue its actions before the UN Human Rights Council and European Union bodies to obtain their reactions to situations of conflict, crises, and transition and to persuade these international bodies to address the issue of human rights protection and democratic principles with the national authorities of the concerned State. FIDH's actions will also be focused on institutions and mechanisms that, *a priori*, are



not open to dialogue with the civil society, e.g. the African Union, the League of Arab States, the Shanghai Cooperation Organisation, the Association of South-East Asian Nations (including the ASEAN Intergovernmental Commission on Human Rights), so that the concerns of FIDH member and partner organisations are heard and conveyed.

Special attention will also be given to increasing FIDH's presence before the UN Security Council as its decisions greatly affect the human rights situation in countries experiencing conflict and crises, notably to positively influence on the mandate of the UN peace-keeping missions.

## Asia

### Context and challenges

2011 was marked by a deterioration of the human rights situation in a number of countries in Asia. The security situation in 2011 deteriorated throughout Afghanistan, which affected marginalized groups, in particular women. The on-going war on terror continued to have strong spill-over effects in Pakistan. In Burma, the announcement of a number of political reforms and the release of many, but not all, political prisoners raised expectations; however, clashes between the army and ethnic groups intensified, in particular in Kachin State, and resulted in grave human rights violations such as sexual violence, forced labour and forced displacement of civilian populations. In Sri Lanka, the end of the state of emergency in August had no impact on the extremely precarious situation in the North. The region remained heavily militarized, and serious violations of human rights continued to be committed against the Tamil people.

The level of repression in China remained extremely high, especially following anonymous online calls for a Jasmine Revolution in February. Human rights defenders were harassed, arrested, charged, or convicted, and Nobel Peace Prize Laureate Liu Xiaobo remained in detention. The level of tension prevailing in the country was particularly manifest in Tibet, where dozens of Tibetans self-immolated. At the same time, new forms of activism - ranging from the use of the Internet to social movements by factory workers clamoring for rights - continued to develop. In response, the Chinese government took steps to strengthen censorship and other forms of control.

Iran attracted increased international condemnation for escalating its repression against all forms of criticism to Mahmoud Ahmadinejad's regime. Authorities violated Iran's international human rights obligations; in particular, the death penalty and torture in detention continued to be used, and censorship became widespread and systematic.

North Korea remained closed to the rest of the world, while serious crimes continued to be committed in total impunity, including the detention of tens of thousands of people in inhuman conditions at political prisoner camps. The death of

Supreme Leader Kim Jong-il on 17 December 2011 was not followed by any immediate signs of change in the country.

Several countries, including Indonesia, the Philippines and Thailand, continued to be characterised by the persistence of low-intensity conflicts and impunity for gross abuses committed in the context of counter-insurgency or counter-terrorism operations. The human rights and security situation in the West Papua province of Indonesia became of particular concern following a string of violent incidents involving armed clashes between state security forces and armed opposition groups; the authorities continued to respond to peaceful expression of support for Papuan independence with criminalization, imprisonment of activists, and excessive use of force. Other countries such as Bangladesh and Pakistan have also seen an increase in extra-judicial killings and enforced disappearances. Religious fundamentalism targeting religious minorities was on the increase. India, usually considered as a stable, though complex, democracy, still faced serious human rights challenges, and clashes with separatist groups continued. Draconian and broadly-worded security legislation (that impose restriction on human rights beyond what is permissible under international law) continued to be applied in a number of countries, including in Bangladesh, India, Malaysia, Laos, Cambodia, Thailand, and Vietnam.

Regional protection mechanisms remained ineffective. The ASEAN Intergovernmental Commission on Human Rights (AICHR), established in 2009, continued to operate behind closed doors, with scant information released to the public. While a few Commissioners have had some form of consultations in their respective countries, the AICHR as a body has had no formal consultation and transparent engagement with civil society in the region. ASEAN remained silent on gross violations within its member States, and did not deviate from its consensus and 'soft diplomacy' approach. China, through bilateral and multilateral agreements such as the Shanghai Cooperation Organisation (SCO), which marked its 10-year jubilee in June, fostered regional cooperation to fight "terrorism, extremism and separatism", within a framework whose compliance with SCO states' human rights obligations remains highly questionable. International protection mechanisms were restricted by the refusal of many governments to work with UN special procedures, and the scant access to information regarding human rights violations in closed countries.

### Activities

A major challenge for FIDH was to operate in those regions and countries where authoritarian regimes are firmly in place. Such regimes do not allow the presence, or severely restrict, the activities of independent human rights groups on their soil. Advocacy was therefore essential to influence the position of international organisations and other key actors on the human rights situation in highly authoritarian countries. FIDH, through its partner organisations in exile, was able to gather and disseminate information from the concerned country (Burma, Iran,

Vietnam) and/or express views which cannot be made public from inside the country (Afghanistan). Several witnesses of human rights violations (Iran), and/or defenders working inside the country (Burma, Indonesia), were able to travel to capitals, including New York, Washington DC and Brussels, to deliver their messages. FIDH focused its advocacy efforts on the situations that have not been adequately addressed at the international level, such as human rights abuses in the West Papua province of Indonesia, etc. FIDH additionally responded to such situations by providing its member organisations with security equipment (Afghanistan) and/or support for the use of secure means of communication and storage of information (Pakistan).

As far as conflict or crisis situations are concerned, FIDH focused its actions on Burma, Afghanistan and Iran. With regard to Burma, FIDH - jointly with its member organisation, the Alternative ASEAN Network on Burma (Altsean-Burma) - monitored the situation in conflict-affected areas and organised lobby activities with the objective of strengthening the language on justice and accountability in the annual United

Nations General Assembly resolution on the country (cf Focus). Both organisations continued to lobby to denounce impunity, and contributed to the setting of benchmarks to guide the international community's response to the unfolding and uncertain reform process, which accelerated in the beginning of 2012. Concerning Afghanistan, where democratic institutions and human rights came under threat in 2011, FIDH led a campaign targeting international organisations for the protection of all human rights in the country (cf Focus). For Iran, FIDH pushed for a stronger response by the international community to the gross human rights violations committed in the country (cf Focus).

Regarding the wave of repression against defenders, and the crackdown on any form of protest, in China, FIDH together with its member organisations denounced gross human rights violations in Tibet particularly, through concerted efforts of international advocacy. FIDH also focused on the growing influence of China through the SCO and other bilateral diplomatic mechanisms that, for example, allowed the forced repatriation of asylum seekers to China.

## OUTPUTS / ACTIVITIES

### Missions

- **Burma/Thailand:** Advocacy mission in Thailand to brief diplomatic missions on the situation in Burma (August)
- **Burma/Thailand:** Mission of contact to Sangkhlaburi province at the Thai-Burmese border (December)
- **Cambodia:** Judicial mission before the Extraordinary Chambers in the Courts of Cambodia (ECCC) (March)
- **Indonesia:** Advocacy mission to Jakarta to present FIDH/KontraS/Imparsial report on the challenges facing democratic reform and human rights since the fall of Suharto (February)
- **Vietnam:** Advocacy mission to Jakarta to present the report on the human rights record of Vietnam when it chaired ASEAN and the AICHR in 2010, (February-March)

### Reports and position notes

- **Afghanistan:** *Making peace with the Taliban : at what cost ?* Seven keys to a just peace for the people of Afghanistan (November), (ENG - FR)
- **Bangladesh:** *Mid-term assessment and report on the universal periodic review* (February), (ENG)
- **Cambodia:** *Lands Cleared for Rubber, Rights Bulldozed: the Impact of Rubber*

*Plantations by Socfin-KCD on Indigenous Communities in Bousra, Monduliri* (October), (ENG - FR)

- **Cambodia:** *The Opening of the trial in ECCC Case 002: Expectations of Victims from here and abroad* (November), (FR - ENG)

- **Indonesia:** *Shadows and Clouds: Human Rights in Indonesia - Shady Legacy, Uncertain Future* (February), (ENG)

- **Iran:** *Suppression of freedom, prison, torture, execution... A state policy of repression* (September), (ENG - FAR)

- **Thailand:** UCL report on prison conditions (update to 2006 FIDH-UCL report on the death penalty, May), (ENG - THAi)

FIDH-Union for Civil Liberty (UCL) joint stakeholder's submission to the Universal Periodic Review of Thailand (March) ENG. UCL advocacy note for the UPR (August), (ENG)

- **Vietnam:** A joint briefing paper prepared by FIDH and VCHR for the Civil Society Consultation on the EU-Vietnam Human Rights Dialogue (December), (ENG)

Newsletter: Asia Desk newsletter – focus on death penalty in Asia (October), (ENG)

### Conferences, roundtables, workshops

- **FIDH Asia Group Meeting:** a regional strategy meeting with the participation of FIDH member organizations, partners, and

resource persons in Bangkok (January)

- **China:** Seminar on the Shanghai Cooperation Organisation (SCO) at the European Parliament in Brussels (May)

- **Thailand:** FIDH co-organised a joint diplomatic briefing and press conference on civil society's input into the UPR of Thailand, with the Asian Forum for Human Rights and Development (FORUM-ASIA) and the International Commission of Jurists (August)

### Urgent appeals, press releases and open letters: 41 , (ENG)

### Interfaces

- Participation of more than 20 human rights defenders from Afghanistan, Burma, Cambodia, China, Indonesia, Iran and Vietnam in 13 advocacy tours, before the United Nations (in New York and Geneva), the ASEAN (in Jakarta), the European Union (in Brussels) and the US government (in Washington, DC).

- Support to the participation of defenders in the first Public Hearing on CSR in ASEAN in Jakarta and the ASEAN Civil Society Conference/ASEAN People's Forum in Jakarta



*Ms. S Hkawng Naw, Deputy Coordinator of the Kachin Women Association Thailand (KWAT)*  
*Ms. Debbie Stothard, FIDH Deputy Secretary-General and Coordinator of Altsean-Burma.*

FIDH also joined a new initiative by a group of NGOs to create an International Coalition to Stop Crimes Against Humanity in North Korea (ICNK). Following the inaugural conference in Tokyo in September, an open letter was sent to Kim Jong-il at the occasion of an international day of mobilisation in October, which called on his government to put an end to crimes against humanity.

In countries experiencing low-intensity conflict and which have draconian laws restricting fundamental liberties, FIDH's actions were generally focused on documenting and responding publicly and quickly to evolving and complex situations. This was accomplished through the issuance of a large number of statements and urgent appeals on issues such as the situation of enforced disappearances in Bangladesh and China, and the abusive use of national security legislations in Malaysia and Indonesia. FIDH presented its first report on the human rights situation in Indonesia to Indonesian authorities and diplomatic missions in Jakarta in February 2011. FIDH accompanied its new Indonesian partner (KontraS) to New York and Washington, DC to share our findings and recommendations with permanent missions, US authorities and relevant UN agencies to discuss the issues of religious intolerance, counter-terrorism/national security, and the situation in West Papua.

At the regional level in ASEAN, FIDH continued to participate as an observer in the Solidarity for Asian People's Advocacy and its Task Force on ASEAN and Human Rights, which is an active regional coalition of civil society organisations in Southeast Asia working to engage ASEAN on human rights issues and advocate for a stronger regional protection system. Also, FIDH's Bangkok Office, alone and jointly with other civil society organisations, communicated with individual Commissioners of the ASEAN Intergovernmental Commission on Human Rights (AICHR) to relay concerns and recommendations, including the need for transparency, genuine and institutionalised consultation with stakeholders, and the strengthening of protection mandates. FIDH also participated in a meeting between international human rights organisations and AICHR representatives at the European

Commission in Brussels in May. In December, FIDH and its members or partners in Southeast Asia sent a letter to AICHR representatives reiterating their recommendations regarding transparency, and the need to ensure the ASEAN Human Rights Declaration, which AICHR is drafting and hoping to adopt in 2012, does not fall below international standards.

FIDH attached utmost importance to strengthening the collaboration and experience sharing between its member organizations in Asia. In January, a regional strategic meeting was organized in Bangkok with its member organizations, as well as other key partners in Asia. Thirty-four human rights defenders participated in this meeting and discussed women's rights and empowerment, the death penalty, human rights and counter-terrorism, as well as business and human rights.

## Some results

### At the national level

- Contributed to the release of political prisoners in Burma.
- FIDH advocacy efforts successfully put an end to the blocking of EU funds for its member organisation Odhikar (Bangladesh) in early 2012.
- Increased the media coverage and impact of its member organisation Odhikar's national campaign against enforced disappearance in Bangladesh, where the number of disappearances was increasing.
- Contributed to the release of prisoners arrested in the context of the crackdown on peaceful demonstrations in Malaysia, and the Prime Minister's announcement of the repeal of the Internal Security Act (ISA) and other restrictive laws.
- FIDH's advocacy before and after the Universal Periodic Review of Thailand contributed to the Thai government's decision to sign the International Convention for the Protection of All Persons from Enforced Disappearance and to issue a standing invitation to UN special procedures.

### At the regional and international levels

- Following FIDH's submission of a list of 80 Iranian nationals who have allegedly committed human rights' abuses in Iran, the EU published a list of 32 people to be targeted by EU individual sanctions in April. The list was later expanded as a result of FIDH's continued advocacy efforts.
- The creation in March of a UN mandate of Special Rapporteur on the Human Rights situation in Iran.
- The adoption by the European Parliament of a resolution condemning the discrimination against the Ahmadi minority community in Indonesia.
- Prior to the Bonn Conference on 5 December on Afghanistan, European Parliamentarians made public statements regarding the non-negotiable character of human rights and their concern about the deterioration of women's rights in Afghanistan.
- Contributed to statements made by several UN Special Rapporteurs raising concerns about the crackdown on peaceful demonstrations in Malaysia. An OHCHR spokesperson also issued a public statement of concern, and called for the release of all those arrested.
- FIDH lent its support to the on-going campaign by civil society groups in South-East Asia to raise attention on and put



forward recommendations to address the limitations of the ASEAN Intergovernmental Commission on Human Rights (AICHR).

– Networking between human rights organisations from China and other members States of the Shanghai Cooperation Organisation led to enhanced cooperation between human rights activists at a regional level.



*LICADHO, march in Phnom Penh to celebrate International Labor Day, May 1, 2011.*

## FOCUS

### **Afghanistan - "Making peace with the Taliban, at what cost?"**

FIDH participated, in collaboration with its member organisation Armanshahr/OPEN ASIA, to an international campaign to raise awareness about the deterioration of the human rights situation in Afghanistan and the challenges ahead. A film on victims' voices, entitled "Eye (I) Witness", was released in September by Armanshahr/OPEN ASIA, with FIDH support. At the occasion of the 10 year anniversary of the military intervention in Afghanistan on 7 October, an international day of mobilisation was coordinated by Crisis Action, in Amsterdam, Berlin, London, Oslo, Paris and Stockholm, as well as in Kabul. FIDH contributed to the event in Paris.

In November, FIDH was represented at an international conference organised in Brussels by the European Network of NGOs in Afghanistan (ENNA) on the future of Afghanistan. The conference was followed by a series of meetings at the European Commission, the European Parliament and NATO, and was a unique occasion to advocate, ahead of the Bonn Conference on 5 December, for the non-negotiable character of human rights, and concerns over the deterioration of women's rights in Afghanistan. A position paper *"Making peace with the Taliban, at what cost? Seven keys to a just peace for the people of Afghanistan"* was issued prior to the conference. This document stated the request by our organisations for participants to put human rights at the heart of the discussions. This call was well heard by UN and EU representatives who systematically included in their interventions during the conference the strong need for human rights protection. FIDH will continue its advocacy in view of the August 2012 Tokyo Conference on programmes of development and support to democratic institutions in Afghanistan.

FIDH and Armanshahr/OPEN ASIA also called for a fair, sustained and transparent re-engagement of the international community vis-à-vis the Afghan people, highlighting the necessity to safeguard and consolidate institutional and democratic achievements in Afghanistan since 2001. This message contributed to putting the spotlight on the key factors to build peace and the rule of law in Afghanistan.

### **Advocacy campaign for justice and accountability for serious human rights abuses in Burma**

In 2011, FIDH, with its member and partner organisations, issued 13 press releases, open letters or joint statements on Burma and created a special dossier page on FIDH's website following the creation of a military-backed, quasi-civilian government in March.

FIDH organised three public events. In January, it co-sponsored a public side event in Geneva following the Universal Periodic Review of Burma, to provide a forum for Burmese activists to provide a critical and independent assessment of the human rights situation on the ground and put forth recommendations by civil society. In July, FIDH co-organised (at its office in Brussels) a press conference featuring two women activists from ethnic nationalities in Burma to highlight the issue of international crimes in ethnic areas, especially sexual violence, and called for the creation of a commission of inquiry into these crimes with the aim of providing justice to victims, in the absence of an independent judiciary and the total impunity enjoyed by perpetrators thus far. In November, FIDH co-organised a public forum at Columbia University in New York. It also featured two women activists, who spoke about the abuses perpetrated in the on-going war in Kachin State. They also spoke about the overall lack of substantive political, legislative, and economic reforms despite the promises of the 'new' government and parliament.

Nine advocacy visits to meet influential governments and inter-governmental bodies were arranged. In particular, an FIDH delegation visited New York in October and met with 25 diplomatic missions as well as with key UN offices ahead of the UN General Assembly annual resolution on Burma. The 2011 resolution reflected many of the key concerns regarding gross human rights abuses and impunity. The resolution passed with the strongest support to date, with three countries who had been approached by the FIDH delegation changing their vote to support the resolution.

### **Iran – Sanctions against violators of human rights**

Throughout the year, FIDH continued to expose gross human rights violations through more than 30 press releases, several joint letters, and various briefing reports to the United Nations. Information on human rights violations comes from FIDH member organisations and a network of local human rights activists who are well connected with FIDH. All FIDH documents relating to Iran are translated in Farsi and communicated widely through FIDH's Farsi Twitter account. In May 2011, FIDH also participated in the launch of "Iranian Stories", a website created in support of the Green Revolution in Iran, which provides dissidents with a common platform to post videos and witness accounts of the events following the disputed 2009 presidential elections.

In March, the Human Rights Council adopted a historic resolution leading to the appointment of Dr. Ahmed Shaheed as Special Rapporteur on the human rights situation in Iran to monitor human rights abuses and interact with Iranian authorities. FIDH contributed to advocacy efforts that led to this new mandate, in close collaboration with the Defenders of Human Rights Centre (DHRC) and the Iranian League for the Defence of Human Rights (LDDHI), both FIDH member organisations. FIDH further assisted Dr Shaheed in his research by organising a meeting between him and Iranian defenders, as well as victims. To provide the Special Rapporteur with first-hand information, FIDH produced the report *"Iran: Suppression of freedom, prison, torture, execution... A state policy of repression"*.

Finally, Among the 2011 achievements the list of individuals responsible for human rights violations submitted by FIDH to the European Union in January 2011 led to the adoption by the European Council of a sanction list in April 2011 which was twice extended.

# Eastern Europe and Central Asia

## Context and challenges

In 2011, in Eastern Europe and Central Asia, the absence of pluralism and the worsening of authoritarianism prevail in the majority of the countries of the region, although at differing degrees in Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Russian Federation, Turkmenistan, and Uzbekistan. Human rights defenders are often one of the main dissenting voices in countries, and in societies where any opposition is generally weak and scattered, their actions are frequently repressed or discredited as politically motivated.

In advance of the presidential election in Russia, tens of thousands took to the streets end of 2011 to demand those rights for which human rights defenders had been advocating for decades: free elections, freedom of press and expression, an end to police violence and arbitrary detentions, and the fight against impunity. These demonstrations led to violent repressions and arbitrary arrests, which destroyed the myth that that this country with a high geopolitical importance had a real political stability while the conflicts in the North Caucasus were continuing to spread and intensify. Disappearances, acts of torture and arbitrary detentions there go hand-in-hand with the strengthening of the armed groups who terrorize their opponents and civilians, who are the ones that ultimately pay the price of years of impunity in the region.

In Belarus, following the severe repression of the 19 December 2010 presidential election, the crackdowns against civil society, opposition activists, journalists and protesters continued in 2011. Seven of the presidential candidates were arrested in the days following the election, and, arrests and trials of activists continue. Ales Bialiatski, FIDH Vice-President and President of the Human Rights Centre Viasna, was imprisoned on 4 August 2011 and - despite the global mobilisation of the civil society and international bodies - he is currently serving a four-and-a-half year sentence under severe conditions at a Belarusian working colony.

More generally, the widespread phenomenon of political prisoners in the post-soviet era is a perfect illustration of the general instrumentalisation of the judiciary. In Azerbaijan and Georgia, civil societies are confronted with this growing problem. In countries that had been experiencing seemingly improvement of this problem, such as the Ukraine, conditions are now beginning to regress. The international mechanisms available do not always provide a clear platform for fighting this phenomenon; especially since the countries that share a common Soviet-past, which largely influenced their legal and

judicial systems, are not members of the intergovernmental organisations that provide these mechanisms.

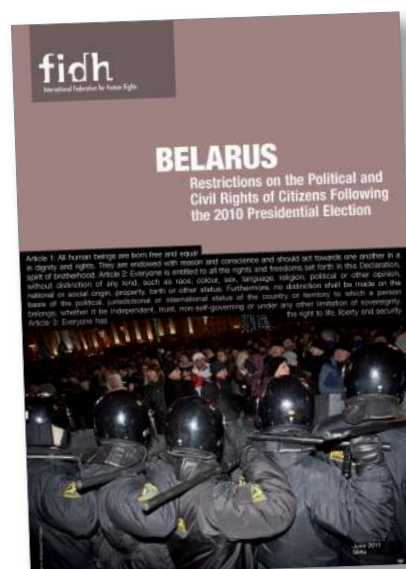
Regions that have not been recognised at the international level, where conflicts are simmering or where there are flagrant conflicts between countries, form the lawless “white zones”, e.g. Transnistria (Moldavia/Russia), Nagorny Karabakh (Azerbaijan/Armenia), South Ossetia and Abkhazia (Georgia/Russia). The regions, traumatised by substantial inter-ethnic clashes (e.g. in Kyrgyzstan), face great difficulties in obtaining justice and reparation, and the victims of hostilities feel unprotected and exposed.

Additionally, human rights defenders of the region often do not have access to the authorities of their country and are therefore not in a position to initiate a dialogue on human rights issues with them.

Some regional cooperation, instead of promoting human rights, actually reinforces repressive practices by creating a common space for the effective exchange of “bad practices” and policies. For example, the Shanghai Cooperation Organisation’s (SCO) founding documents, which were purportedly meant to address security-related concerns, in fact contradict some international conventions its members have ratified, and may lead to illegal extraditions or disappearances.

## Activities

FIDH continued to work on the fight against impunity in **Russia** as Russia sends an important negative message for the whole region. One of the emblematic cases in this respect is the





murder of a prominent human rights defender who was working on some of the most serious crimes committed in Chechnya. Natalya Estemirova was abducted and killed on 15 July 2009. From the outset, the official investigation possessed important evidence, however was obviously and deliberately sent on a wrong track. FIDH has, jointly with Novaya Gazeta newspaper and the Russian Human Rights Centre “Memorial”, conducted an alternative investigation which permitted to impeach the false accusations and disrupted attempts to steer culpability from those truly responsible.

FIDH was also involved in, and coordinated, a coalition of Russian and European human rights organisations during the trial of the murderers of Umar Israilov in Austria. Israilov, Chechen refugee and applicant to the European Court of Human Rights (ECHR), was murdered on 13 January 2009 near his home in Vienna. In his complaint to the ECHR, Israilov had accused Chechen President, Ramzan Kadyrov, of illegally detaining and torturing him in 2003. In this case, for the first time the criminal practices of the Chechen governing structures were debated in an independent court, and ultimately proved and condemned. FIDH and its partners observed the entire seven-month trial, provided one of the key experts, and regularly updated a specially created web-page on this extremely important case. In a separate case, Kadyrov sued Oleg Orlov, Human Rights Center Memorial Board President, for slander in an attempt to silence his criticism. FIDH monitored that trial as well.

To denounce the grave violations in the **North Caucasus**, FIDH has organised public hearings in the US Congress with the participation of Chechen and Russian human rights defenders. FIDH has also organised the screening of a movie on the murder of Natalya Estemirova during a visit to US-based UN bodies and US governmental bodies working on Russia.

Promptly denouncing the situation in **Belarus** was one of the main focuses of FIDH in 2011. FIDH alerted and documented the harsh post-electoral repression against political opponents and civil society activists. FIDH also undertook many and varied activities to support Ales Bialiatski, FIDH Vice-President and President of the human rights centre Viasna (FIDH member in Belarus), as well as to support his family and other Viasna members against the repression of the regime (cf Focus). Bialiatski was condemned to four and half-years imprisonment on fabricated charges.

FIDH, together with its member and partner organisations, continues to alert and document the extremely violent and repressive situation in **Uzbekistan**, where numerous political opponents and human rights defenders have been exiled or imprisoned. FIDH participated in the defence of the French newspaper Rue89, which was accused by the daughter of Uzbek President Karimov of defamation of her father. FIDH provided two witnesses who confirmed the journalist's assessment and turned the tables on the trial. In January 2011, a flashmob was organised to mark the visit of President Karimov to Brussels, with the participation of Uzbek human rights defenders and



press, which provoked a strong media reaction. In October 2011, FIDH also launched a new web application to draw attention to the plight of political prisoners, including at least 13 human rights defenders, eight of whom are members of FIDH member organisation, the Human Rights Society of Uzbekistan (HRSU). (Cf focus).

FIDH has also worked jointly with the London-based human rights organisation REDRESS on a complaint regarding journalist Mutabar Tadjibaeva, President of the Fiery Hearts Club, who was imprisoned for more than two years under severe conditions for her criticism of the Uzbek government over the 2005 massacre of Andijan. This complaint will be submitted to the UN Human Rights Committee in 2012. As a result of the efforts of FIDH, Mutabar Tadjibaeva was given asylum in France in 2009 where she could get physical and psychological rehabilitation and resume her human rights activities.

To build upon its strong mobilisation on the issue of **political prisoners**, FIDH organised a regional seminar with the aim of enabling participants to better organise advocacy to push for the release of political prisoners in their respective countries. Other aims of the seminar were to support member organisations by providing expertise, and to provoke thoughts and regional synergies on the issue. The seminar was held in Kiev in November 2011, in partnership with the Ukrainian Helsinki Human Rights Union and with the participation of FIDH member organisations from Armenia, Georgia, Azerbaijan, Belarus, Russia, Kyrgyzstan and Uzbekistan. Participants discussed the methodology and criteria for defining political prisoners and developed a roadmap for future monitoring.

In May 2011, FIDH organised a Strategic Workshop on the **Shanghai Cooperation Organisation (SCO)** which brought together human rights defenders from China, Kazakhstan, Kyrgyzstan, Tajikistan and Russia. Martin Scheinin, UN special rapporteur on protecting human rights while countering terrorism, and Günter Schirmer, Deputy Head of the Secretariat of the Committee on Legal Affairs and Human Rights of the Parliamentary Assembly of the Council of Europe took part in the seminar. The workshop was followed by advocacy activities for FIDH member organisations from China and Russia. It was the first time human rights defenders from SCO regions met

to discuss common trends. It enabled participants to develop a thorough understanding of SCO structures and policies, and to analyse trends witnessed within SCO countries which result from the SCO dynamics (notably on extradition, and rendition, violations against Muslim minorities, counter-terrorism operations, etc.) As a result of the workshop, FIDH's members were able to design and plan joint mobilisation and follow-up activities. The advocacy carried out on this occasion allowed FIDH to draw the European Union and European Parliament's attention to the problems caused by the lack of knowledge of the SCO's operations.

At the international level, FIDH continued to mobilise inter-governmental bodies to voice its concerns and to provide constructive and clear recommendations to national governments. Attendance by human rights defenders from Russia, Kyrgystan, Belarus, Armenia, Georgia, Tajikistan, and those from Uzbekistan and Turkmenistan working in exile, at OSCE, Council of Europe, EU and UN meetings were arranged.

## Some results

– The sentencing of three persons for the January 2009 assassination of Umar Israilov, a Chechen refugee who had lodged a complaint against Chechen President, Ramzan Kadyrov, for the torture he had endured: FIDH made a vital analysis that highlighted the chain of responsibility that included the highest

echelons of command, and fed into the strategy of litigation and advocacy adopted by local human rights defence organisations.

– Major media support (our information was published several hundred times by the media, especially on independent internet sites and in the Russian-language press in the region) exposed the human rights situation in Belarus, in particular the arrest and sentencing of Ales Bialiatski, President of Viasna and FIDH Vice President.

– Decisions and statements by international intergovernmental organisations and human rights protection mechanisms condemning the violations of human rights in Belarus: resolutions were made by the Human Rights Council and the European Parliament, and statements were made by Catherine Ashton, the High Representative of the European Union for Foreign Affairs, and the Council of Europe, etc.

– The final observations by the United Nations Committee Against Torture reflected many of the preoccupations of FIDH and its partners as presented in their report on Turkmenistan: e.g., lack of incrimination of the perpetrators of torture in the Turkmen law, problems of registering detainees, police violence, and violence in detention centres.

– The report of the international fact-finding commission, published in May 2011, on violence committed in 2010 in Kyrgystan draws on an analysis of the FIDH report on the inability of Kyrgystan to protect the civilian population.

– The conclusions of the alternative report carried out by FIDH and its member and partner organisations on the assassination

## OUTPUTS / ACTIVITIES

### Missions

- **Belarus:** 2 missions: Investigation into repression in the post-electoral period and a follow-up mission (February and June)
- **Tajikistan:** 1 mission: Investigation into the situation of Tajik migrant workers (May)
- **Russia:** 1 mission on the alternative investigation of Natalia Estemirova's murder (January)
- Observation of Israilov's murderers' trial in Austria (November 2010 – June)
- 2 observation missions on the trial of Kadyrov vs. Orlov (February and June)

### Seminars/workshops

- Seminar on the Shanghai Cooperation Organisation, May
- Seminar on political prisoners in Eastern Europe and Central Asia, November

### Publications

- **Belarus:** Restrictions on the Political and Civil Rights of Citizens Following the 2010 Presidential Election, June, (ENG/RUS)
- **Belarus:** Human Rights Centre Viasna

with the support of FIDH: *Elections of the President of the Republic of Belarus*, March, (ENG/RUS)

– **Russia:** Observatory: *The judicial observation mission report on the Aleksei Sokolov trial*, July, (ENG)

– **Russia:** FIDH, *Novaya Gazeta*, *Human Rights Centre Memorial*: "Two Years After the Murder of Natalya Estemirova: Investigation on the Wrong Track", July, (ENG/RUS)

– **Russia:** Joint report of FIDH, Nochlezhka, and the Inter-regional Network "For overcoming social exclusion": *Usually Forgotten*, May (regarding the situation of homeless people in Russia), (ENG/RUS)

– **Russia:** Anti-Discrimination Centre Memorial, with the support of FIDH updated the 2008 Report "Forced Evictions and the Right to Housing of Roma in Russia", March 2011, (ENG/RUS)

– **Russia:** Anti-Discrimination Centre Memorial, with the support of FIDH updated the report "Discrimination and Violation of Roma Children's Rights in School of the

*Russian Federation*", March, (ENG/RUS)

– **Tajikistan / Russia:** FIDH and Anti-Discrimination Centre Memorial: "Tajikistan: Exporting the Workforce – at what price?", October, (ENG/RUS)

– **Turkmenistan:** Turkmen Initiative for Human Rights, Turkmenistan's Independent Lawyers Association with the support of FIDH: "Alternative NGO report to the UN Committee Against Torture (CAT)", May, (ENG)

**Number of press releases and urgent appeals:** 54, (RUS/FR/ENG)

### Advocacy activities

Attendance by human rights defenders from Russia, Kyrgystan, Belarus, Armenia, Georgia, Tajikistan, and those from Uzbekistan and Turkmenistan working in exile, were arranged for various OSCE, Council of Europe, EU and UN meetings.

of Natalya Estemirova, supported by the Russian media and presented to President Medvedev, contributed to establishing where the responsibility for her murder lay, and prevented the official inquiry from being led down the wrong track. Furthermore, France rejected the request from the Russian authorities to extradite Anzor Bashaev, who could be an embarrassing witness for the official investigation and who would have been in danger if he had returned to Russia. His testimony has been recorded and kept in a safe place.

– The UN Special Rapporteur for the Promotion and Protection of Human Rights and Fundamental Freedoms condemned the practices approved by the Shanghai Cooperation Organisation in the fight against terrorism.

– Several human rights defenders imprisoned in Uzbekistan have been released, including Norboy Kholjigitov, who was sentenced to 10 years in prison and was freed on 14 October 2011 after 6 years and 4 months in prison, and Maxim Popov, who was released on 9 June 2011.



# Freedom for Ales Bialiatski

**FIDH Vice-President  
President of “Viasna” in Belarus**

**fidh**

[freeales.fidh.net](http://freeales.fidh.net)

Photo: © 2011. REUTERS



## FOCUS

### **Belarus - FIDH activities relating to post-electoral repression, in particular the arrest and condemnation of Ales Bialiatski, FIDH Vice-President and President of Viasna, centre for Human Rights**

FIDH was one of the first organisations to conduct an investigative mission to document the post-electoral repression by the regime which began in December 2010 against civil society activists, journalists, lawyers, human rights defenders and political figures who were denouncing the rigging of the polls. On that occasion, a seven-minute documentary was produced, which presents images of the repression, and direct testimonies of the victims of human rights abuses. The report of the mission (which was later presented at the occasion of an advocacy mission in Belarus) and the documentary had an effect on the audience, which consisted of journalists and diplomats. It had a strong media coverage, notably in Russian speaking countries.

Advocacy missions were undertaken to intergovernmental organisations (UN Human Rights Council, European Union, etc) and meetings were held with affluent diplomats to share the report's conclusions and recommendations, which led to their condemnation of the human rights violations in Belarus.

FIDH, in the framework of its joint programme with OMCT, the Observatory for the protection of human rights defenders, also undertook many and varied activities to support Ales Bialiatski,

FIDH Vice-President and President of Viasna (FIDH member in Belarus) who was condemned to serve four and half-years imprisonment, as well as to support his family and Viasna members against the repression of the regime. Resources were mobilised to organise the defence of Bialiatski, and four judicial observation missions took place in order to attend all of the hearings in the proceedings. Live updates were published online in three languages during the trial.

FIDH also launched a campaign on a web site ([freeales.fidh.net](http://freeales.fidh.net)) to mobilise the international community on the situation of Ales Bialiatski and to raise awareness on the persecutions faced by other Viasna members and other Belarusian human rights groups. Information available on the website in French, Russian and English includes information on Bialiatski's case, related official statements of international bodies, and news on the advocacy and solidarity campaigns for his liberation.

In 2012, FIDH also worked on two individual complaints to the UN human rights bodies – one, on behalf of Bialiatski by his wife and FIDH, to the UN Human Rights committee, and another, on behalf of FIDH and OMCT, to the UN Working Group on Arbitrary Detention.

### **Uzbekistan – Testimony**

In October 2011, FIDH launched a web application ([http://www.fidh.org/2011\\_UZ/en/](http://www.fidh.org/2011_UZ/en/)) to draw attention to the situation of political prisoners who are incarcerated in

horrific conditions in Uzbek prisons. These prisoners include at least 13 human rights defenders, eight of whom are members of FIDH member organisation, the Human Rights Society of Uzbekistan (HRSU). This web-application was shared with the media, NGOs, and through social networks, and mobilised the public in Eastern Europe and Central Asia. It is available in Russian and English. The application is in the form of an interactive comic strip of a prison cell with information sheets for each imprisoned human rights defender, with regularly updated information on the on-going legal proceedings against them and the conditions of their imprisonment. A broad overview of the country and the situation of human rights defenders is also provided.

*“As a former political prisoner and victim of torture, I wish to express my support for the work done by FIDH representatives in the web application ‘A Prison Named Uzbekistan’. This is the first time that a site, which is simple, complete and accessible to everyone, provides complete information on the fate of the prisoners. I know how important such an initiative is. It was the dissemination of information regarding the conditions of my imprisonment and international advocacy that led to my being released. Furthermore, since this application has been put on line, the list of detainees has become shorter.”*

**Mutabar Tadjibaeva, President of the International Human Rights Association “Burning Hearts Club**



*Demonstration with Mutabar Tadjibaeva and Nadejda Atayeva in front of the European Commission on 24 January 2011 during the visit of President Karimov.*

# North Africa and the Middle East

## Context and challenges

The 17 December 2010 self-immolation of Mohamed Bouazizi, the popular revolt which followed, and the eventual fall of Zine Al-Abidine Ben Ali's regime will mark a decisive turning point not only in the history of Tunisia, but also the history of the region. The end of the dictatorship and the transitional process which began in mid-January 2011 made many people hopeful that a democratic government based on the respect of human rights would be established. Across North Africa and the Middle East, the voice of freedom was heard.

In Morocco, Algeria and Jordan, official authorities attempted to defuse emerging protests by announcing political and progressive economic reforms, such as the lifting of the State of Emergency which had been in force for 19 years in Algeria.

Popular demands for political freedom and reforms which were expressed peacefully in the streets of Bahrain, Egypt and the Yemen were violently repressed. Security forces used live bullets against demonstrators, threw grenades at point blank range, beat participants with sticks, performed many other ill-treatments or acts of torture, and killed or wounded many citizens. Authorities clearly sought to stifle any challenge to their power, remained deaf to the aspirations of their citizens, and punished those whose only 'crime' was to call for democracy and respect of their civil, political, economic and social rights.

The Syrian regime went even further by blatantly setting its army against the population. Several thousand Syrians were killed in 2011 in Homs, Damascus, Deraa and other towns for having expressed their desire for change. Tens of thousands of Syrians took refuge in neighbouring countries. At the end of 2011, Syrian tanks continued to run over men, women and children who remained in the trap of Bashar Al Assad's repression.

In Libya, the reported massacre of Benghazi insurgent<sup>1</sup> by Colonel Gaddafi, (known as the 'Brotherly Leader and Guide of the Revolution of Libya') who had been in power for 42 years, caused the international community to react.

The UN Security Council's Resolution 1973, adopted in March 2011, resulted in military intervention by a coalition of countries. This coalition was led by France and Great Britain, and had the support of the United States of America and Qatar. This war ended with the death of Gaddafi in October, and many members of his family and entourage were arrested and/or exiled.

In this particularly difficult and distressing context, the Israeli-Palestinian conflict remained at the heart of the region's concerns, especially in regards to the total impunity of those responsible for the serious violations of international humanitarian and human rights law perpetrated in the occupied Palestinian territories, as

well as 'Operation Lead' (Plomb) that took place in the Gaza Strip in December 2008 and January 2009. The human rights defenders who were denouncing this situation were threatened and harassed, as were those who denounced the construction of the 'separation wall' and the forced expulsion of Palestinians from The West Bank and Israel.

The documentation of serious human rights violations was a real challenge for the human rights defenders and NGOs, whose ability to act in emergency situations is sometimes limited, and whose members are often amongst the first targets of repression. However, documenting these violations is vital for the questioning of national authorities, and for providing timely and accurate information to intergovernmental leadership and the general public in order to insist on the protection of human rights. In addition it is a prerequisite for any steps to litigation, as well as for the use of any international or regional mechanisms for the protection of rights. The struggle to prove the impunity of the authors of the most serious crimes in order to impose sanctions and ensure prevention of future crimes is extraordinarily difficult in countries where the judicial systems are almost always undermined by their dependence on the executive powers and by corruption.

More broadly, at both the political and the social level, Tunisia, Yemen, Egypt and Libya now face the daunting challenges of a transitional government and the setting up of democratic regimes which will respect human rights. The fall of the existing regimes in these States gave their citizens mixed feelings of hope for a better future, and fear of regression or the corruption of popular ideals by other less progressive forces. Therefore, reform of the constitution and electoral laws, as well as reform of existing institutions (justice, security, armed forces), the struggle against religious fundamentalism, and the protection of women's rights, are important issues that must be addressed by the civil society organisations in the region. However, members of civil society organisations need training, the ability to exchange information with those of experience, and the means to strengthen their capacity to act. Additionally, civil society organisations need to take advantage of the current forces of protest (such as the youth, blogs, social networks, etc.).

## Activities

### Support to Local Human Rights Organisations

Considering the challenges in the region, it is crucial that FIDH, local NGOs, and their partners have the freedom and ability to act. FIDH immediately reacted when defenders have been threatened (see Priority 1). This has been accomplished through the questioning of the national authorities and international community, providing support for temporary exiles, observing judicial proceedings, and the securing of the means of communication and the storage of NGOs' databases.

To strengthen their ability to take action and exert influence, FIDH undertook steps to train its local partners, as well as to exchange expertise on how to keep informed as to current issues in the legal world and litigation pending before the courts. During Turkey's political transition (see Focus), FIDH contributed to the establishment of a 'road map' towards consolidating the rule of law and the assertion of democratic principles. In April, together with its member organisations, FIDH organised a training seminar in Algeria to increase the experience of local civil society organisations, especially human and women's rights organisations, and associations dealing with economic, social and cultural rights. The seminar also aimed to enable these organisations to follow up on the implementation of the conclusions of UN Committee for Economic, Social and Cultural Rights (CESCR).

In response to the needs expressed by its member and partner organisations, in June FIDH organised a training workshop in Cairo which brought together 25 defenders and lawyers from Yemen, Syria and Libya to discuss the techniques of surveillance, documentation and litigation in situations of human rights violations committed during the repression of any form of protest. The participants particularly appreciated the experience shared by their expert counterparts from FIDH's network, and expressed the wish that such training should be repeated. Many activists (in particular Libyan lawyers) made use of forms provided by FIDH, which helped them to collect affidavits from witnesses and victims.

## Documentation of Human Rights Violations

FIDH's primary focus in 2011 was to bring trustworthy and accurate information to the actors of change, to the media and to the general public regarding serious human rights violations in the region.

Faced with censorship by the authorities in closed countries such as Syria, FIDH managed to relay information collected by its member organisations and partners without exposing the defenders to danger, or, if they requested it, to put them in touch with the media as a mean to guarantee their safety. FIDH then published a report on the crimes against humanity committed by Bashar Al Assad's regime and produced more than 30 press releases about the human rights situation in Syria.

A very thorough follow-up on the situation in Tunisia was provided by reports and statements and press releases, some of which were translated into four languages (French, English, Arabic and Spanish) in order to reach a wider public and into the tweet world. Many interviews with members of FIDH's political board and Tunisian members were posted on FIDH's website. Equal attention was given to the situation in Yemen (more than a dozen press releases and open letters were issued) and to Libya, particularly on the situation of women, in the form of a collection of witness statements from female refugees in Tunisia and from migrants.

## OUTPUTS / ACTIVITIES

### Missions

- **Egypt:** Fact-finding missions on the suppression of demonstrators, and advocacy (April and July)
- **Libya:** Fact-finding mission to Salloum (Egyptian border) on the situation of migrants leaving the country (May)
- **Libya:** Fact-finding missions related to refugees in Tunisia on the rights of women in Libya (July)
- **Tunisia:** Seven missions on solidarity, evaluation and advocacy
- **Tunisia:** International fact-finding mission on police brutality (May)

### Reports/ Position Statements

- **Egypt:** "Violation of Human Rights: the Price to Pay in the Egyptian Revolution", May, AR/ENG
- **Egypt:** "The Fleeing of Libyan Exiles to - Egypt", June, FR/AR/ENG
- **Egypt:** "Elections in Egypt : Real Concerns for Public Safety and Election Fairness", November ENG/AR
- **Israel/Occupied Palestinian Territories:** "Shielded from all Responsibility: No Willingness on the Part of Israël to

Investigate or Prosecute Perpetrators of International Crimes", September, AR/ENG

- **Libya:** "Libya and the International Criminal Court: Questions / Answers", May, ENG/FR/AR
- **Morocco:** February 2011- Update to the recommendations of Equity Reconciliation Commission on the 5th anniversary of the publication of its report, March, FR
- **Western Sahara:** "November 8, 2010 The Confrontations at Laayoune; No End to an Escalating Conflict", March
- **Syria:** "Joint Report of Judicial Observation on El Hassani", February, FR, ENG, AR
- **Syria:** "Joint Report of Judicial Observation on El Maleh", March, ENG/FR/AR
- **Syria:** "Bashar Al Assad : Criminal Against Humanity", July, ANG/AR
- **Tunisia:** "Instrumentalisation of Justice in Tunisia: Obstruction, Violations, Impunity", January
- **Tunisia:** "Post-Ben Ali Tunisia and Demons of the Past: Democratic Transition and On-going Human Rights Violations", July, FR/AR

**Press releases and urgent appeals by the Observatory for the Protection of Human Rights Defenders (OMCT) :**  
186 in ENG/AR/FR

### Seminars / Workshops

- Training seminar in Algeria on economic, social and cultural rights, April, 80 participants
- Two seminars in Tunisia on political transition. February and March, 300 participants
- Seminar in Cairo on advocacy and fact-finding methods, June, 25 participants

### Advocacy Activities

FIDH supported numerous representatives of its member organisations in their advocacy work to the United Nations (in Geneva and New York), European Union (in Brussels), African Union (Addis Ababa), League of Arab States (Cairo), African Commission on Human and Peoples' Rights (Gambia), and to influential diplomatic States in the region (France, United States of America, etc.).



As regards to Egypt, from the very beginning of the popular uprising on 25<sup>th</sup> January, FIDH published about 30 press releases and/or statements, and made urgent appeals from the Observatory for the Protection of Human Rights Defenders (OMCT) for the protection of defenders. In the beginning of April, FIDH conducted a mission of enquiry and produced a report on human rights violations committed during the uprising, emphasising the chain of responsibility from those in positions as low as members of security services to those in positions as high as members of Mubarak's government.

Based on research and information provided by member organisations in Israel and the Palestinian Territories, FIDH published a report analysing the absence of will<sup>1</sup> of the Israeli judiciary to prosecute those responsible for the most serious crimes perpetrated in the framework of 'Operation Cast Lead'.

### Political and Judicial Advocacy

As a result of the accurate documentation widely disseminated by the media, FIDH and its member organisations used appropriate judicial and diplomatic levers ("leviers" en français) to accompany, convince (or constrain) the States regarding the enforcing of democratic principles and the Rule of Law.

FIDH met with the public prosecutor in Egypt on several occasions to discuss the prosecution of those responsible for violations committed during the popular uprising which led to the fall of President Hosni Mubarak.

With regards to Libya, FIDH contributed to the adoption of the Security Council resolution no. 1970 seizing the ICC unanimously. The mobilisation of FIDH led, among other things, to FIDH filing a complaint in October against X, targeted specifically at the French company Amesys. Amesys is suspected of being complicit in acts of torture on opponents of Muammar Khadafi because it had provided surveillance equipment to the Libyan government through a commercial deal. FIDH also continued to support victims already involved in extra-territorial jurisdiction procedures, such as the *Rélizane* Affair in Algeria). Finally, significant advocacy activities were conducted in France with the official authorities, and the Ministry of foreign affairs in particular, and with members of the UN Security Council to refer the human rights violations being committed in Libya and in Syria<sup>2</sup> to the International Criminal Court (ICC).

FIDH also sought to obtain clarity as to the responsibility of the State through regional and international human rights mechanisms, such as convincing the African Commission for Human and Peoples' Rights (ACHPR) to refer a complaint denouncing the brutal suppression of the demonstrators by the Libyan regime to the African Court.

As for the political advocacy component, FIDH decided to assist member and partner organisations in their dialogues with authorities in calling for respect for human rights and democratic principles, such as in Tunisia (see Focus). An advocacy mission to Egypt

also permitted discussions with the Prime Minister, the Minister of Justice, and the Prosecutor General (July) in an attempt to obtain support for launching legal proceedings against those in high-level positions who were responsible for the suppression of peaceful demonstrations during the popular uprising.

Many advocacy **interfaces** were also organised with the UN Human Rights Council in Geneva, the UN Security Council in New York, and the European Union (EU) in Brussels, to convince those bodies to assert pressure on these regimes to respect human rights. A great deal of advocating to influential States, such as France and the United States of America, was also conducted.

Finally, through the actions of its representatives in Cairo, FIDH increased its advocacy activity with the League of Arab States (LAS), namely with the Member-States and the Secretary General Cabinet, by encouraging **meetings** between LAS and representatives of FIDH's member and partner organisations. As a result, LAS, which would not ordinarily speak out about human rights issues, issued firm statements about the situation in Syria. FIDH also permitted defenders in Egypt, Tunisia, and Libya to voice their concerns to the ACHPR. Typically, very few local NGO representatives are present when important decisions are made by the ACHPR, as confirmed by the African Union.

## Some results

### At the National Levels

#### – Tunisia

- Ratification by Tunisia of the Rome Statute, the ICCPED, and the OPCAT;
- commitment on the part of persons in authority to lift the restrictions against CEDAW;
- the ratification by Tunisia of electoral list parity for the Constituent Assembly election;
- the adoption of a new law in Tunisia on associations and a new code for the press, in which most of the provisions meet the international standards for human rights protection;
- the procurement of a Tunisian radio frequency which had been repressed under the former regime;
- commitment from high-level persons at the Tunisian Internet Agency to end censorship and blocking.

#### – Morocco

- the lifting of restrictions against the CEDAW by the Moroccan government and a commitment in June 2011 to gradually abolish the death penalty;
- taking into consideration key recommendations from the FIDH report on the Equity and Reconciliation Commission in the new Moroccan constitution, especially regarding equality between men and women and the supremacy of international conventions over national legislation;
- the drafting of a new proposed law on associations in Egypt that will be debated in Parliament in July 2012 and which will take into account FIDH concerns;
- sustained and credible information on the suppression of popular protests which was widely disseminated by the media: 20,114 articles in 2011 regarding FIDH's positions on the region.

<sup>1</sup> As defined by Article 17 of the Statute of the ICC (International Criminal Court)

<sup>2</sup> These countries have not ratified the Rome Statute.

#### – Egypt

- the drafting of a new proposed law on associations in Egypt that will be debated in Parliament in July 2012 and which will take into account FIDH concerns.
- Sustained and credible information on the suppression of popular protests which was widely disseminated by the media: 20,114 articles in 2011 regarding FIDH's positions on the region.

#### At the International Level

– Numerous decisions taken by intergovernmental, international, and regional groups have condemned the grave human rights violations perpetrated during the Arab Spring and have declared sanctions against those responsible for these crimes.

– Important contributions include:

- Firm positions taken by the Arab League regarding Syria, including expelling Syria from its organisation, and the deployment of an observer mission to assess the implementation of the crisis exit plan proposed to the Syrian regime.

- Adoption of the 24 August 2011 resolution of the UN Human Rights Council held an extraordinary session during which it created an international fact-finding commission to shed light on the serious human rights violations being perpetrated in Syria and to determine who was responsible for those violations.
- Adoption of the 27 October 2011 urgent resolution from the European Parliament on the human rights violations in Bahrain.

– The Security Council Resolution on Yemen in October condemning its violations.

– The 28 February 2011 referral by the UN Security Council of the situation in Libya to the ICC.

– Referral by the ACHPR to the African Court of a complaint against Libya.

– The opening of a judicial enquiry in France into the company Amesys for being complicit in acts of torture committed in Libya.



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Women queuing in front of a polling station during the parliamentary election - Egypt.

## FOCUS

### **Provide Support to Tunisian Organisations which Advocate for a Political Transition that Respects Human Rights**

In February 2011, FIDH provided support to the National Council for Liberties in Tunisia (CNLT) by organising a seminar on "Democratic Transition and Society's Needs During Transition". This seminar was attended by 350 participants, which included representatives of youth revolutionary movements from various parts of the country, as well as representatives from women's rights and union organisations. The seminar discussions, which were relayed in part by the media, resulted in specific recommendations (or a "road map"), on how to engage citizens in issues such as: of participation in political life, the electoral process, the reform of the judicial system and the media, as well as economic and social policy issues. This road map was used widely by Tunisian NGOs throughout the entire transition process in 2011.

FIDH and the Euro-Mediterranean Human Rights Network (EMHRN) organised a seminar in March with their local organisations on "The Democratic Transition in Tunisia" for 300 participants (38 Tunisian associations, as well as international and regional experts). This seminar provided an opportunity for sharing experiences with the defendants who had been in similar transition situations (i.e. Poland, Belarus and Russia, etc.).

FIDH also conducted a study to determine what technical, legal, and political barriers exist for victims of serious human rights violations committed during both the revolution and, more broadly, under Ben Ali's regime. The results of the study, along with the recommendations from the FIDH report on police brutality, provided the impetus for extensive advocacy work.

FIDH conducted eight missions in Tunisia, and met with more than 20 high-level representatives including the Prime Minister, the Deputy Minister of Interior, the Director General of National Security and the Minister of Justice in July. Following the elections, FIDH met with the President of the Republic and the President of the National Constituent Assembly.

In early 2011, FIDH provided emergency material and technical assistance to its member organisations to help in their public communications. Specifically, FIDH created a website<sup>3</sup> for the Tunisian Association of Democratic Women (ATFD) thereby allowing them greater exposure for their press releases and reports. This site is now regularly maintained.

These actions have resulted in the following outcomes: ratification by Tunisia of the Rome Statute, the International Convention Against Enforced Disappearances (ICCPED), the Optional Protocol to the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT), commitment from authorities to lift restrictions against the Convention on the Elimination of all forms of Discrimination against Women (CEDAW), the ratification of parity on electoral lists, adoption of a new law on associations and a new press code (which has, for the most part, provisions that meet international standards for the protection of human rights), obtaining an air wave frequency for a Tunisian radio station which had been subject to repressive measures under the former regime, and commitment from high-level authorities at the Tunisian Internet Agency to stop censoring and blocking.

### **FIDH to Mobilise Public Opinion and the Actors of Change on the Issue of Serious Human Rights Violations in Syria**

FIDH supported the development of the website [www.dchrs.org](http://www.dchrs.org), coordinated by the Damascus Center for Human Rights Studies (DCHRS), a forum for human rights NGOs and international groups with expertise on the Syrian situation. Managed by social activists from outside of the country who are in constant contact with their colleagues on the ground, the site has permitted the flow of information regarding the human rights situation in Syria through a single site. Statements and reports are in both the Arabic and English. It is the only site that provides this information, and has been doing so since the beginning of the brutal suppression of the protests. FIDH has also created a special page in English, French and Spanish on its own website regarding the situation in Syria,

which includes published articles, interviews with Syrian partners, as well as experts' opinions on Syria.

The report "Bashar Al Assad: Criminal against Humanity" was published in English and Arabic in July 2011. It documents the grave human rights violations committed against demonstrators and the Syrian population. It was drafted by FIDH from information gathered from member and partner organisations in Syria.

Based upon this information, FIDH was able to conduct its advocacy campaign to EU bodies, the UN Human Rights Council, and the UN Security Council, with the intent of obtaining their condemnation of the violence committed against the Syrian population and sanctions against the regime.

Additionally, FIDH has relentlessly advocated to have the Syrian situation referred to the ICC. FIDH was also the leading advocate to the league of Arab States (LAS) to put pressure on Syria to immediately cease all violence against its citizens. FIDH met with LAS representatives on several occasions in Cairo to discuss politics and sanctions that the League could impose in reaction to the brutal suppression in Syria. FIDH, in cooperation with its member and partner organisations in the area, disseminated its recommendations widely to the League.

This action contributed to the League's issuing sanctions for the first time. In November 2011, the LAS expelled Syria from its League and demanded an end to the violence against demonstrators. One month later, the LAS deployed a mission of observers to evaluate the implementation of the plan proposed to the Syrian regime.

The violence in Syria has also been largely condemned by various UN bodies, as well as by EU groups, which have also adopted a series of economic sanctions against a number of high-level persons in the Syrian regime.

<sup>3</sup>. <http://femmesdemocrates.org>



# Sub-Saharan Africa

## Context and challenges

2011 was marked by the conflict in Somalia, where international humanitarian law was systematically violated, and the ever-present insecurity in the east of the Democratic Republic of Congo (DRC), where the civilian population is still the victim of clashes between the army, armed groups and self-defence militia. The year was also marked by pockets of rebellion in the north of the Central African Republic (CAR), and the destabilisation of the Sahel area (especially Niger, Mali and Mauritania). This latter was due to the presence of smugglers, Islamist groups, (affiliated to Al-Qaida or otherwise), the Boko Haram movement and the Touareg rebellion movements, as well as the proliferation of weapons from Libya throughout this region. The Sudanese armed forces annexed the city of Abeyi, thus violating the 2005 Comprehensive Peace Agreement signed by Sudan and South Sudan. Sudan's fight against the Sudan People's Liberation Army-North (SPLA/N) in the Blue Nile and South Kordofan regions was marred by flagrant violation of international human rights standards, including bombing of villages, summary executions, rapes and pillages. In Burundi, lack of dialogue between the government authorities and the opposition, as well as the exile of some of their leaders, is causing speculation that the conflict may be rekindled.

As in previous years, electoral or referendum processes held at the end of 2010 and in 2011 were often tense periods, such as the self-determination referendum in South Sudan, and the presidential election in Djibouti, or periods of extreme violence like in Ivory Coast, where several thousands of people were killed in the fighting between the forces supporting Laurent Gbagbo and those supporting Alassane Ouattara because of Gbagbo's refusal to relinquish his authority, despite the election results. There was also violence in DRC during the presidential and legislative election campaigns, and pervasive fear in the days following publication of the results. In Niger, the junta now in power which overthrew President Tandja (after he changed the Constitution so that he could run for a third term of office) was to hold presidential elections. In Senegal, prospects for the presidential election in early 2012 caused extreme tension in the country, with the security forces trying to stifle all criticism against President Abdoulaye Wade, who tried to amend the Constitution in such a way that his re-election would be guaranteed.

After grave political crises and/or violence, several countries began their political transition, but now run the risk of moving backwards. Efforts at reconstruction have stalled and the need to consolidate the rule of law still remain, e.g. in Niger, Ivory Coast. Guinea-Conakry is still trying to overcome having spent 50 years under a dictatorship, and the population is still outraged by the 28 September 2009 massacre (150 people killed, over 100 women raped), as well as the serious human rights violations of 2007 and 2010.

There were numerous peaceful protests in 2011, with demonstrators calling for respect of economic and social rights, and the implementation of democratic principles. These events were triggered by the example of Arab Spring and streamed across the continent in countries such as Mali, Burkina Faso, Senegal, and Malawi. Sadly, security forces often responded with brutal force, arrests, arbitrary detention, and restriction of freedoms, all of which further stoked the disputes.

## Activities

### > Documentation, alerts and fight against impunity

With regard to situations of conflict, in 2011 one of FIDH's main focuses was on the events in Sudan. It called upon the international community to exert strong pressure on national authorities to ensure that the referendum of self-determination for South Sudan was held peacefully. FIDH also constantly updated information on the serious violations of human rights committed by the Sudanese Armed Forces in the Blue Nile and South Kordofan regions. It stressed the need to fight against the impunity of the perpetrators of the most heinous crimes and called State parties to cooperate with the International Criminal Court (ICC). Similar recommendations were constantly repeated with regard to the situation in the east of **DRC** and **Kenya**, where six persons allegedly responsible for post-electoral violence that killed over 1,500 people in 2008 were summoned to appear before the Court. Missions and mission reports were undertaken to address the need for intergovernmental organisations to remain attentive to the explosive situation in **Burundi**.

In response to the severe political crisis, including the grave post-electoral violence (between 3,000 and 5,000 deaths), FIDH and its member organisations focused on actions needed in **Ivory Coast** (cf. Focus). FIDH also informed the media and actors of change about the pre-electoral tension and violence in **Djibouti** and **Senegal**.

FIDH kept close track of **Niger's** peaceful return to constitutional order, and carried out a mission to **Chad** analyse the level of implementation of the recommendations taken by the national fact-finding Commission on Human Rights Violations during the attempted government overthrow in January 2008. And as it is in constant contact with its member organisations, FIDH was able to react quickly and provide detailed information (about 15 press releases) regarding the repression of peaceful demonstrations at which demonstrators were seeking respect of economic and social rights and the

principles of democracy in **Mali, Burkina Faso, Malawi, Senegal, Djibouti**, etc.

Moreover, FIDH actively worked on the situation in **Guinea**. The ICC Office of the Prosecutor is making a preliminary analysis to assess the will of the Guinean courts to judge the perpetrators of the 28 September 2009 Conakry massacre in order to determine whether to open or not an ICC investigation. President Alpha Conde, elected in 2010, has often spoken in favour of an independent judiciary; however Guinea's investigation of the Conakry massacre wasn't progressing. In May 2011, FIDH, its member organisation, the Guinean Organisation for Human Rights (OGDH), and dozens of

victims, filed as plaintiffs (*parties civiles*) in this case, in part to challenge the Guinean judiciary to satisfy the rights of the victims, as well as to contribute to the consolidation of the rule of law.

Through a dedicated FIDH project on Guinea and a programme officer in Conakry, by August 2011, FIDH was able to develop a series of activities designed to fight the impunity of the perpetrators of the most serious crimes. These activities included advocacy to the national authorities, support for victims' associations and their lawyers, filing requests for judicial action in the 28 September 2009 event, and building OGDH's ability to act and be influential in the fight for victims' rights. The actions taken by FIDH and OGDH have already met

## OUTPUTS / ACTIVITIES

### Missions

- **Burundi** - Observatory's judicial observation mission of the murder trial of Ernest Manurimva, Vice President of Olucome (January)
- **Ivory Coast** - Two international fact-finding missions on post-electoral violence (March) and advocating to national authorities (May)
- **Gambia** - Observatory's judicial observation mission on the protection of human rights defenders in the trial of two women heading the NGO "Committee on Traditional Practices Affecting the Health of Women and Children" (GAMCOTRAP) (January)
- **Guinea** - Two international fact-finding missions on the 28 September 2009 Conakry Massacre (September) and advocacy to national authorities (December)
- **Mali** - Advocacy mission to national authorities (March)
- **Uganda** - International fact-finding mission on women's rights (December)
- **DRC** - Observatory's judicial observation mission on the trial in the Chebeya and Bazana cases (March)
- **Chad** - International fact-finding mission by FIDH and the International Coalition for a Fair Trial for Hissène Habré (November)
- **Zimbabwe** - Observation mission on the protection of human rights defenders (December)

### Reports

- **Burundi** - The assassination of Ernest Manurimva, human rights defender: two years later, justice denied (April) - (FR)
- **Burundi** - Alternative report to the country

report submitted to the 50th session of the ACHPR (November) - (FR)

- **Ivory Coast** - Political crisis and human rights violations: avoiding the electoral dispute to degenerate into civil war (January) - (FR)
- **Ivory Coast** - It is urgent to prevent the escalation to civil war (March) - (FR/ENG)
- **Ivory Coast** - The Probo Koala case: victims deprived of recourse to justice (April) - (FR)
- **Djibouti** - Support to report on the situation of human rights on the eve of the 2011 presidential elections (March) - (FR)
- **Gambia** - Climate of fear amongst the community of human rights defenders (July) - (FR/ENG)
- **Guinea** - Commemoration of the 28 September 2009 massacre overshadowed by political tension (September) - (FR/ENG)
- **Niger** - Niger: a roadmap for the new authorities based on respect for fundamental rights (January) - (FR/ENG)
- **DRC** - The incomplete trial of the murderers of Floribert Chebeya and Fidèle Bazana (June) - (FR)
- **DRC** - Recommendations for a specialised, mixed, independent, efficient court (August) - (FR)
- **Sudan** - Co-signature of report: "Beyond the pledge: the engagement of the international community after the comprehensive peace agreement in Sudan" (July) - (FR/ENG)
- **Togo** - Alternative report to the country reports presented to the 50th session of the ACHPR (November) - (FR)
- **Antiterrorism and human rights/Africa**: 10 years after the 11 September 2001 attacks (September) - (FR)

Newsletters **8 and 9** of the Africa Team

### Press Releases and Urgent Appeals by the Observatory for the protection of human rights defenders :

- 89 press releases and open letters in French and 44 in English
- 16 urgent appeals in French and 22 in English

### Advocacy Activities

Participation of 30 representatives of FIDH Sub-Saharan African member organisations (Burundi, Niger, Guinea-Conakry, Democratic Republic of Congo, Sudan, Kenya, Ivory Coast, Zimbabwe, Senegal) at the two ordinary sessions and one extraordinary session of the ACHPR (March, May, and November), a regional conference of its Working Group on the Issue of the Death Penalty (Benin, January) and two of its working sessions (in South Africa in August, and in Kenya in December), at the African Union Summit (January, Addis Ababa), two meetings of the Commission of the African Union (on the AU human rights framework in The Gambia), and sessions of the UN Human Rights Council and the Universal Periodic Review (Geneva), one meeting with ambassadors of the UN Security Council (May, New York), one meeting with the European Union (February, Brussels), a meeting of the EU/AU civil society forum (November, Brussels), one meeting with the ICC (March, The Hague), and several meetings with French authorities.

with success. On 1 February 2012, Colonel Moussa Tiégboro Camara, a in charge of special services, drug and crime control, was questioned and charged by the investigative judges.

To contribute to the fight against impunity of the most serious crimes, FIDH also made a follow-up of its support to the participation of Congolese victims before the ICC and constantly ask the Court to take into account sexual crimes in the charges regarding the situation in **DRC**. It had also informed the Prosecutor of the international crimes committed in **Ivory Coast** (transmission of information and meetings between human rights defenders and the Office of the Prosecutor) to call for the opening of an investigation by the Court on the post-electoral violence but also on the most serious human rights violations committed since 2002 in the country. It also made the follow-up of the cases FIDH and its member organisations filed as plaintiffs, under the universal jurisdiction principle, notably regarding the enforced disappearances in **Congo Brazzaville**, the genocide in **Rwanda** and the acts of torture and summary executions committed under the regime of Hissène Habré in **Chad**.

## > Mobilisation of the community of States

In accordance with its action strategy, FIDH has continued to ensure that the **African Commission for Human and Peoples' Rights** (ACHPR), a body for the protection of the rights guaranteed by the African Charter, has heard the appeal by the FIDH member organisations for adequate attention to be paid to their concerns; in particular, for the adoption of more country specific resolutions.

To get the message of its member organisations across to the African Union's bodies, which initially hesitated to enter into discussions with a civil society, FIDH supported the organisation of advocacy interfaces in presence of representatives of its member organisations before the African ambassadors in Addis Ababa, members of the Peace and Security Council and the States' representatives during the **African Union** Summit. FIDH's participation in various meetings of the AU Commission, notably to contribute to the definition of the Human Rights framework of the AU has demonstrated the timeliness of its approach. FIDH has managed to mobilise the **UN Human Rights Council** on certain issues, in particular regarding the establishment of the International Fact-finding Commission on Ivory Coast. Furthermore, FIDH has strengthened its strategy to impact the contents of the **mandates of the peace-keeping missions**, such as when the mandate of the UN stabilisation mission, MONUSCO (DRC) was being renewed. FIDH has often solicited the **Organisation Internationale de la Francophonie, the Commonwealth**, and many influential **diplomatic representations**, including France to react to human rights violations.

## Some results

Actions by FIDH contributed to the following:

### At the national level

#### – Guinea

- The protection of investigating judges in charge of the “28 September 2009” file; FIDH's contacts with the Ministry of Justice led to the relocation of their office to a safer place;
- the revival of the proceedings in the case of the 28 September 2009 massacre by helping the 67 victims come forward as plaintiffs, and the involvement of FIDH and its member organisation, OGDH, in this case;
- the 30 November 2011 sentencing by the judges in the Conakry trial chamber (*tribunal de première instance*) of the governor of Conakry, Commander Sékou Resco Camara, for “violence”, “assault”, “slander”, “false allegations” and “insults” against the president and four members of the human rights association, *Mêmes droits pour tous* (MDT - Same Rights for Everyone) who had just succeeded in obtaining the release from the central prison of two prisoners who had been “provisionally detained” since 2001 and 2005 respectively;

#### – Ivory Coast

- The evacuation, in the midst of fighting in Abidjan of two human rights defenders who were in danger, and who had been targeted because of their position recognising the responsible parties for the post-electoral violence;
- the release of 17 persons connected to the Gbagbo side who were held in the Pergola Hotel;
- the UN Human Rights Council's creation of an international fact-finding commission on post-electoral violence in Ivory Coast;
- the opening of an investigation by the International Criminal Court on the situation in Ivory Coast since 2002;

#### – Democratic Republic of the Congo (DRC)

- The preparation of a draft law on the protection of human rights defenders in DRC, in compliance with the 1998 United Nations Declaration on Human Rights Defenders;
- the preparation of a draft law on hybrid specialised court chambers with authority to judge international crimes committed in DRC since 1993;
- the sentencing in July 2011 of police officers responsible for the murder of Floribert Chebeya and Fidèle Bazana, respectively President and member of the association (The Voice of the Voiceless);
- the renewal of the protection of human rights defenders in danger mandate of the United Nations Organisation Stabilisation Mission in the Democratic Republic of the Congo;
- the public intervention of the International Criminal Court to reiterate the jurisdiction of the Court with regard to the situation in DRC during pre-electoral violence.



– **Hissène Habré case**

- The decision by President Abdoulaye Wade of Senegal to not exile Hissène Habré to Chad, in violation of international law, without allowing the Senegalese judiciary to fulfil Senegal's obligation to judge or extradite the former President of Chad to Belgium where legal proceedings have begun against him.

– **Central African Republic**

- Trial against Jean-Pierre Bemba before the International Criminal Court, Bemba being accused of war crimes and crimes against humanity for the crimes committed by his troops in 2002-2003 in the Central African Republic.

**At the international and regional level**

– **African Commission on Human and Peoples' Rights (ACHPR)**

- The drafting and adoption of the study by the working group of the ACHPR on the death penalty in Africa by recommending the adoption of the Protocol to the African Charter on the abolition of the death penalty;

- the adoption by the ACHPR of the resolutions on the situation in Democratic Republic of Congo, human rights in Africa, and human rights defenders.

– **African Court on Human and Peoples' Rights**

- The submission of a complaint to the African Court on Human and Peoples' Rights against Libya, following a FIDH press release denouncing the cruel repression of peaceful demonstrations by the Qadafi regime.

– **African Union**

- The adoption by the African Union Summit of decisions on the human rights situation in Sudan and in Ivory Coast and an appeal to Senegal to prosecute or extradite Hissène Habré.



# FOCUS

## Jean-Pierre Bemba trial before the International Criminal Court. Eight years of FIDH support for the victims

Jean-Pierre Bemba, former Vice President of the Democratic Republic of Congo, is accused of war crimes and crimes against humanity. FIDH and its member organisations were the first to document the massive human rights violations, especially sexual violence, committed freely by the troops against the civilian population during the offensive against rebels in Central African Republic (CAR) in 2002 and 2003. This high-impact action required five missions to CAR, numerous meetings with the Central African authorities, preparation of four fact-finding reports, regular meetings with the ICC Office of the Prosecutor, training on international justice for victims and human rights organisations, repeated advocacy before the United Nations and the African Union, and activities to support victims under threats.

As the trial was opening, one of the victims told FIDH: "At last I feel like I am alive again".

## FIDH activities regarding the human rights situation in Ivory Coast

In early 2011, FIDH and its member organisations, the Ivorian Movement for Human Rights (MIDH) and the Ivorian League of Human Rights (LIDHO) issued several press releases denouncing the post-electoral manipulations of the Gbagbo camp to reverse his defeat and turn it into victory, and urging both sides to stay calm and find a peaceful solution to the political crises. FIDH managed to have this message delivered by the MIDH President to the international media and the French authorities, together with a description of the situation drafted jointly by our organisations. The LIDHO President was able to meet with African ambassadors in Addis Ababa during the African Union Summit to tell

them about the seriousness of the situation. At that meeting, the Heads of State adopted a declaration reiterating the concerns of our Leagues.

With political negotiations at a dead-end, fighting broke out between the military forces of both sides. FIDH immediately sent an international fact-finding mission to Abidjan; its conclusions on the serious violations committed by both sides were published in a March 2012 report. Since security could not be guaranteed for the human rights defenders in Ivory Coast, the mission prepared an emergency evacuation plan that had to be used in the end of March when fighting broke out in the capital. FIDH organised the evacuation of the Presidents of the two leagues, as they had been threatened because of statements they had made regarding those responsible (both sides) for the serious human rights violations committed.

FIDH and its organisations were the first to denounce the Douékoué massacre and successfully called upon the African group of the UN Human Rights Council to set up an international fact-finding mission (end March).

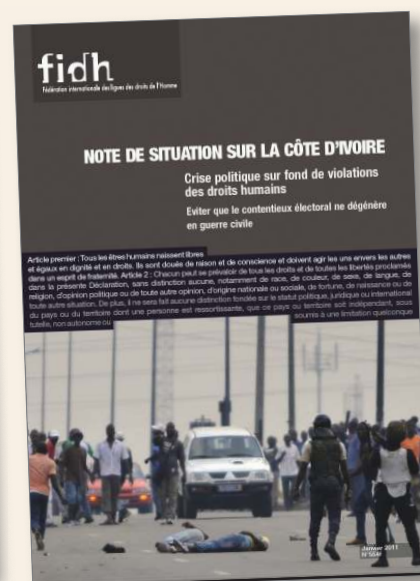
After the military victory of the Republican Forces in Ivory Coast, supported by the French army in application of a UN mandate, and when Mr. Ouattara finally acceded the presidency, FIDH and its member organisations directed their efforts towards consolidating the rule of law, particularly as to fighting against the impunity of the perpetrators of the more serious crimes.

Following the May meeting between the FIDH President Souhayr Belhassen, FIDH Honorary President Sldiki Kaba and President Ouattara, 17 people connected to the Gbagbo camp who were illegally detained in the Pergola Hotel were released.

Through its meetings with the ICC Office of the Prosecutor, FIDH contributed to the launching of an inquiry by the Court on the situation in Ivory Coast in October 2011. Our organisations appealed to the authorities concerned to apply "positive complementarity" by launching a judicial inquiry against all the perpetrators of serious human rights violations, regardless of the side they were on. If this procedure gets bogged down in 2012, FIDH, LIDHO and MIDH intend to file as plaintiffs (parties civile) on behalf of the victims before the national courts, so that justice be had.

At meetings in Ivory Coast and Paris, FIDH urged national authorities to set up a Truth and Reconciliation Commission that would meet the people's expectations of justice, and has been invited to participate in the Commission's opening ceremony in September.

Lastly, FIDH provided material assistance to its two member organisations to build their capacity to prepare and disseminate documentation on human rights violations.



# The Americas

## Context and challenges

Protection of the right to justice and reparation for victims remains a challenge in the region. The conflict in Colombia in 2011, as in the preceding years, was marked by serious violations of international humanitarian and human rights law. In spite of changes announced by President Juan Manuel Santos, who came to power in August 2010, the “democratic security” policy launched by his predecessor persists. In world rankings, Colombia has the second highest number of internally displaced persons and is the most dangerous country for trade unionists. Although the adoption of the Law on Victims and Land Restitution (Law 1448 of 10 June 2011, *Ley de Víctimas y Restitución de Tierras*) is a significant step forward, its implementation remains a major challenge, especially in protecting internally displaced persons who return to their land; during 2011, 28 people were assassinated in the framework of land restitution.

In this context, those who dare to denounce the violation of Colombia's international human rights obligations remain at serious risk. This risk persists despite the dissolution of the Administrative Department of Security (*Departamento Administrativo de Seguridad* - DAS) following scandal caused by its illegal activities including interception of communications and threats against supreme court judges, political opponents and human rights organisations, and the conviction of its former Director, Jorge Noguera for homicide and criminal association. In 2011, 49 human rights defenders were killed in Colombia. Moreover, despite President Santos's public assurance at the beginning of his term of office, that verbal attacks on defender would cease, slander and attacks against human rights defenders have increased.

Honduras is a country that for several decades has been going through a very serious crisis conditioned by the weakness of the rule of law and the structural problems related to the judiciary, security, and social exclusion. Here, human rights have suffered increasingly since the *coup d'état* of 28 June 2009. No punishment has been meted out for the serious crimes committed against the civilian population by the new government between June 2009 and January 2010. Moreover, the situation in Bajo Aguán is especially alarming with 48 people killed between January 2010 and March 2012 as a result of the agrarian conflict in the region.

Over two years since Haiti's devastating earthquake, the number of displaced persons in camps has declined considerably, from 2.3 million to 420,000, according to estimates. However, those remaining continue to face deplorable living conditions, and sexual violence against women is a major problem. Displaced persons in camps located on private property also risk being forcibly expelled by landowners who are, in some cases, backed by the local authorities. Haiti faces an overall political crisis stemming from the disputed presidential and legislative elections and numerous

corruption scandals. For many months the country lived in an institutional vacuum; from 14 May 2011 when Mr. Jean Joseph Martelly became president, until March 2012, no government was in place. This situation retarded the process of consolidating institutions and reforms for human rights protection, started several years earlier. Three laws instituting the independence of the judiciary were adopted five years ago, but the Superior Council of the Judiciary has still not yet been established.

In 2011, Guatemala put General López Fuentes on trial for genocide and crimes against humanity, and is now charging General Ríos Montt, former *de facto* president of the country in 1982 and 1983; these acts mark the end of almost thirty years of impunity in Guatemala, however in many countries, impunity remains a cause of concern. In Haiti, one year after the return of Jean-Claude Duvalier, the examining magistrate issued an order stating that charges of torture, disappearance and extrajudicial execution were subject to a time bar, thus maintaining only charges of corruption against Duvalier. In Colombia, the process for demobilising paramilitary groups has actually amounted to an amnesty, and no punishment has been meted out for the crimes committed against the civilian population in Honduras since the government was overthrown. The fight against the impunity of the perpetrators of the gravest crimes committed during the Pinochet dictatorship in Chile is still topical.

## Activities

### > Documenting grave human rights violations and fighting the impunity of perpetrators

In **Colombia**, FIDH continued its work on the Administrative Security Department (DAS) scandal, denouncing its illegal activities and aiding perpetrators to be brought to justice (see Focus). As per its litigation strategy, FIDH undertook, throughout 2011, a study of extrajudicial executions committed by the army between 2002 and 2008. The resultant report will be published in 2012 urging the International Criminal Court to open an investigation into these crimes, which evidence the Colombian authorities' lack of political will to judge those most responsible, as only certain perpetrators have been convicted and sentenced.

In light of the alarming human rights situation in the Bajo Aguán region of **Honduras**, FIDH and other international non-governmental organisations carried out a fact-finding mission on the assassination of peasants over tensions occasioned by the use of lands for oil palm monoculture. When the mission report was presented to the Inter-American Commission on Human Rights (IACHR), Honduran government representatives were obliged to respond to the concerns of signatory organisations, regarding militarisation of the region, the high level of impunity for those



responsible for the assassination of farmers, and the criminalisation of social protest. FIDH also invited a representative of the Bajo Aguán peasant community to speak before the U.S. State Department, as well as the World Bank and the Inter-American Development Bank, both of whom fund the Dinant Corporation, a company responsible for human rights violations in the region.

These human rights violations in Honduras were committed during the *coup d'État* of June 2009 and the following months. FIDH and its member organisation have constantly denounced that the instigators of the coup are still working in State institutions, and that journalists and defenders who report on crimes committed by the leaders of the coup are being stigmatised. FIDH has urged the International Criminal Court, which is analysing this situation, to open an investigation into the lack of prosecution and sentencing of perpetrators of grave human rights violations in the country.

In 2011, FIDH and its three member organisations in **Haiti** launched a programme making human rights central to national reconstruction. More specifically, it seeks to monitor prison and displacement camp conditions and to campaign for reform of the judicial system. As part of this activity and to vent to the concerns of civil society, in August-September, FIDH went on mission to Port-au-Prince to meet key stakeholders in national reconstruction, namely, the Haitian authorities, and representatives of the U.N. bodies and the diplomatic corps. The fight against impunity was at the heart of advocacy work by FIDH and its member organisations, as indicated in the report on the application of international law for crimes committed between 1971 and 1986 that was submitted to the legal authorities. This report urged for the prosecution and sentencing of Jean-Claude Duvalier, who returned to Haiti during the period of political instability following the earthquake.

During a session of the U.N. Human Rights Council, FIDH held a side event on Haiti urging the renewal of the mandate of the Independent Expert on the situation of human rights in Haiti.

In December 2010, the French courts sentenced *in absentia* 13 senior officials of the Pinochet dictatorship to long prison terms for the disappearance of four Franco-Chileans. A FIDH mission to Chile in October urged the authorities to execute the arrest warrants and notify the decision to the convicted persons. At meetings with State authorities, FIDH pleaded for the right to justice for victims of crimes committed during the Pinochet era. The Chilean courts judged several individuals for crimes against humanity, but since 2008 sentences have been light and those convicted finally released.

FIDH also examined the activities of multinational companies working in the Americas, publishing reports on the impact of investment projects on human rights following studies conducted in 2010 and 2011 in **Brazil** and **Ecuador**. Together with its member organisations in these countries, FIDH called for a moratorium on large-scale mining in Ecuador and the resettlement of the Piquia de Baixo village in Brazil, which had suffered from the activities of Brazilian multinational VALE (see Priority no. 5).

## > Strategic use of the Inter-American system for the protection of human rights

Regarding situations of conflict, violence and crisis, FIDH has continued to use the political and judicial levers of the Inter-American system for the protection of human rights as a vehicle for pressure and change, particularly the binding decisions of the Inter-American Court of Human Rights (IACtHR). FIDH supported the victims of the *coup d'état* in Honduras by following through on an IACHR case by denouncing State responsibility for crimes committed between June 2010 and January 2011. Furthermore, following through on its communication regarding Chile, FIDH succeeded in securing the full application of the rule that crimes against humanity perpetrated cannot prescribe (the *media prescripción* case).

Through press releases and open letters to the authorities, FIDH has also reacted to the apparent will of certain States, such as Colombia and Brazil, to counter the mandate and impinge upon the effectiveness of the Inter-American system for the protection of human rights. FIDH has urged the authorities of these countries to respect their international commitments.

### Some results

#### At national level

##### – Honduras

- Assassinations were brought to a halt for three months after the FIDH intervention at the IACHR on the situation in Bajo Aguán.
- Development banks terminated their support for enterprises allegedly responsible for perpetrating human rights violations in the region.
- In 2012, the authorities implemented two decisions taken by the judicial services to exclude security guards serving two business enterprises allegedly involved in the assassination of peasants from certain lands.

##### – Colombia

- The DAS hearings before the IACHR and the visit of the Vice President of the European Parliament received major coverage in the local media and made the front page of the main daily newspapers in Colombia.
- As requested by FIDH during the DAS hearings before the IACHR, charges were made two weeks after the hearing against the former Secretary General of the Presidency, Bernardo Moreno, for criminal conspiracy and abuse of power.
- In compliance with FIDH's recommendation, a formal investigation was conducted by the Accusation Commission of the Colombian Chamber of Representatives against President Uribe. He was nevertheless, only questioned about wiretapping and not about the grave human rights violations committed by the DAS.
- The Colombian government appealed to Panama to extradite the former director of DAS.

#### – Chile

- FIDH made the Chilean authorities, journalists and the civil society aware of the trial and conviction on 17 December 2010 of Chilean perpetrators in French courts (regarding four disappeared Franco-Chileans). It also provided the advocacy needed to carry out the sentences.

#### – Brazil

- The publication of FIDH's report on VALE's impact on local communities has facilitated progress in accelerating discussions on the resettlement of a community affected by pollution from steel and iron plants.

#### At the regional and international level

##### – Honduras

- The IACHR and the media in the Americas, including the U.S. media, have condemned the grave violations of human rights in Bajo Aguán.
- The U.S. State Department published a press release criticising the crimes committed in Bajo Aguán and discussed the matter in its annual report on human rights.

##### – Haiti

- The mandate of the U.N. Independent Expert on the situation of human rights in Haiti was renewed in September 2011.

##### – Colombia and Honduras

- FIDH contributed to the preliminary analyses of the situation in these two countries by the Office of the Prosecutor of the International Criminal Court.

## OUTPUTS / ACTIVITIES

### Missions

- **Honduras:** Joint fact-finding mission on the assassination of peasants in the Bajo Aguán region, February
- **Chile:** Fact-finding mission on the situation of the Mapuche sentenced under the anti-terrorism law, in particular those under 18, and meetings with petitioners at the Inter-American Court of Human Rights, July and March
- **Chile:** Advocacy to convince the Chilean authorities to carry out the arrest warrants issued by France in December 2010 to detain those responsible for the disappearance and torture of four Franco-Chileans under the Pinochet dictatorship, October
- **Haiti:** Mission to implement the joint programme of FIDH and its three member organisations in Haiti, August

### Reports and notes

- **Mexico:** Report to update information on human rights defenders, January, in Spanish
- **Mexico:** *Human rights in Mexico as part of the fight against organised crime*, March, in Spanish
- **Ecuador:** *Report on large-scale mining in Ecuador*, January, in Spanish
- **Argentina:** *Progress and challenges in consolidating a migration policy based on*

*human rights*, April, in Spanish

- **Brazil:** *How much are human rights worth in the Brazilian mining and steel industry?* May, in Portuguese

- **Honduras:** *Assassinations and Human Rights Violations in Bajo Aguán*, July, in Spanish and English

- **Chile:** *Progress and obstacles in the fight against impunity for crimes against humanity committed under the Augusto Pinochet dictatorship*, October, in Spanish.

- **Nicaragua:** *Violations of defenders' rights against a backdrop of political polarisation of elections*, November, in Spanish.

- **Colombia:** *Difficulties, irregularities and obstacles in procedures involving the leaders of illegal DAS activities*, March, in Spanish

**Number of press releases and urgent appeals by the Observatory for the Protection of Human Rights Defenders:**  
62

### Advocacy actions

#### Colombia:

- March: Hearing before the IACHR on obstacles to investigations and proceedings against agents in charge of the illegal activities of the Administrative Security Department (DAS)
- April-June-July: Advocacy campaign

in the DAS case targeted at the ICC and the French, German, Swedish, Mexican and British embassies in The Hague, members of the European Parliament, the cabinet of the High Representative of the European Union, Catherine Ashton, and representatives of the French Ministry of Foreign Affairs

#### Honduras:

- October: Hearing before the IACHR on the situation of human rights in Bajo Aguán and advocacy targeted at the Inter-American Development Bank, the World Bank and the U.S. State Department

#### Haiti:

- September: Side event on human rights in Haiti during a session of the U.N. Human Rights Council

### Judicial Proceedings

- Submission of a case before the Inter-American Court of Human Rights on the Mapuche issue - Chile
- Follow-up on the DAS case before Belgian and Colombian courts and on the case of the disappearance of four French - Chileans during the dictatorship in Chile

## FOCUS

### **FIDH activities concerning the illegal activities of the DAS**

Following FIDH's 2010 publication of a report on human rights violations committed by the Colombian Administrative Department of Security, legal proceedings in Colombia and Belgium, and a mission to Panama to call for the extradition of DAS's former director, FIDH and the Lawyers' Collective José Alvear Restrepo (CCAJAR), FIDH member organisation in Colombia, requested and obtained a hearing at the IACHR. The hearing was held in March 2011 and denounced the obstacles facing the lawyers representing DAS victims before the Colombian courts. It urged that judgement be passed on the

main perpetrators of the crimes committed, including the former President Uribe. The Colombian government had to stand before the IACHR - which DAS had also wiretapped - and answer the complainants' questions and concerns. The hearing was extensively covered by the local media and made the first page of one of Colombia's major national newspapers.

Through this hearing, its numerous advocacy actions to the European Union, and its influential diplomatic representations which were followed by the Vice President of the European Parliament's visit to Colombia, FIDH contributed to the prosecution of the former Secretary General of the

Presidency, Bernardo Moreno, for criminal conspiracy and abuse of power, and to the appeal, by the Colombian authorities, to the Panama Government to extradite the former Director of DAS.

Moreover, following the FIDH's recommendation, a formal investigation was conducted by the Accusation Commission of the Colombian Chamber of Representatives against President Uribe, though he was only questioned about wiretapping and not the grave human rights violations committed by the DAS.



*Threat parcel post received by Soraya Gutiérrez, FIDH Vice President and a member of the Collective of Lawyers "José Alvear Restrepo" (Colombia).*



## Internal challenge 1

# Strengthen interaction with and proximity to member and partner organisations

The objective of the FIDH + 10 reflection process, launched in 2008 by the International Board to assess FIDH activity, is to strengthen its identity, visibility and impact. The FIDH 2010 Congress, which had decided to pursue this exercise, envisaged that achieving this objective lay in augmenting the connection between the three pillars of the Federation: the Leagues, the International Board and the International Secretariat.

Thus in 2011, FIDH sought to ensure that interaction between the Leagues, the International Secretariat and the International Board was operationally stated at all levels (governance, operational and communication levels).

*"FIDH+10 has been a long and thorough process, which has led to strengthened ties between FIDH and the leagues, and more influence of the leagues on FIDH's work programme. It has created a space of reflection, whereby the leagues have had to reflect on their own work, their membership in FIDH, and what they want to achieve from this. There is now a sense of ownership and greater equality between the leagues; also smaller leagues in distant locations perceive they have a voice. The process has produced greater consensus, a common vision and a convergence of interests. The roles and responsibilities of the various statutory bodies and the Secretariat have been clearly defined".*

*SIDA Evaluation 2012 « Steadfast in Progress »*

### > Strengthening strategic discussions between the Leagues, the International Board and the International Secretariat

*- The interaction between the Leagues and the FIDH*

Interaction with its Leagues was a central theme for FIDH in 2011 with the development of common means of communication for FIDH-Leagues and integrated operations when dealing with the press. This year was further marked by the development of bilateral programmes of actions with member organisations in Guinea, Haiti and Tunisia. These programmes constitute a

new form of strategic partnership between the FIDH and the Leagues – the Leagues in question being engaged at all levels in establishing such projects.

*- Interaction with the International Board (BI) on FIDH strategy*

Following the reformatting of the International Board's meetings in 2010, information exchange sessions on good and bad practice have been organised to strengthen interaction between defenders from all regions and to be in a position to respond to the many challenges that NGOs face. In particular, these meetings have had a bearing on the remedies of victims of grave human rights violations in political transition contexts in the Americas; the protection of migrants; the role of sanctions in Eastern Europe/Central Asia; and the revolutions in the Arab world and their regional and global consequences. The meetings have led to the elaboration of programmes of specific action and/or facilitated the adoption of action strategies by FIDH's geographic and thematic desks.

Moreover, the International Board took part in the drafting of the new FIDH strategic plan (2012-2016), which it finally adopted in May 2012.

### > FIDH's governance authorities and the reform of its statutes

In 2011, the International Board held three meetings at FIDH's headquarters in Paris. A whole day was dedicated to meetings between the geographical teams. Moreover, specific working groups focused on central issues for FIDH's development (e.g. FIDH +10, communication and financing).

The FIDH +10 process resulted in a necessary revision of FIDH's statutes and internal rules in order to ensure that they reflect both FIDH's evolution as a federal movement that interacts with its Leagues on a daily basis, as well as the context in it is developing. The following possibilities were therefore examined:



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FIDH International Board, Paris City Hall, France.

- to include the fight against corruption or against violations of human rights that might result from the abuse of new technologies into FIDH's mandate;
- to clarify the nature of FIDH and its modes of interaction with the leagues;
- to clarify the role of governance authorities (Congress, International Board, Executive Board, Presidency etc.) This reform was validated in 2011 and early 2012 by the IB. It will be submitted for adoption by the Leagues at the FIDH triennial Congress of 2013.

## > Developing the presence of the International Secretariat in the regions

Consolidating the presence of the FIDH International Secretariat in the regions was an essential means of strengthening, on the one hand, the proximity between FIDH and its Leagues, creating synergies and responding to League needs, and, on the other hand, enabling FIDH to react to the development of national and regional situations.

In 2011, the FIDH thus opened an office in Guinea and prepared the opening of the Tunis office, which will take place in 2012.

All this follows the opening of FIDH regional offices in Bangkok (2010), Cairo (2007) and Nairobi (2008).

*“Decentralization of staff to these locations [in nairobi, cairo and bangkok] is an excellent opportunity to carry out fieldwork, to influence regional institutions and liaison with member organisations. there is now more transversal collaboration and exchange between countries. an example of an enhanced regional role that fidh is playing is the coordination of civil society organisations before the sessions of the african commission on human and peoples’ rights”.*

*SIDA Evaluation 2012 “Steadfast in Progress*

## > Headquarters adapted for FIDH: the “House of Human Rights Defenders”

In 2011 FIDH continued to welcome at its seat and in its delegations, several hundred Human Rights Defenders in its bid to support them in their activities in making judicial pleadings to the French and international authorities. At FIDH headquarters, at its leagues, and also in its different delegations, 33 press conferences with local activists were organised in order to spread their message as effectively as possible amongst influential contacts.

FIDH continues to welcome harassed Defenders in France, on a temporary basis.

These people can continue to pursue their activities from FIDH headquarters, take advantage of training in securing data, familiarise themselves with new technologies (which will then be useful to local activists when they return), and if necessary receive psychological support. In 2011, this type of support benefited our partners in more than 20 countries (including the DRC, the Ivory Coast, Uzbekistan and Belarus).

## Internal challenge 2

# Expand the professionalisation of FIDH

### Objective 1

#### Strengthening the International Secretariat

#### > Consolidation of the International Secretariat

FIDH has pursued its efforts to develop the International Secretariat (IS) in accordance with the 2009-2011 triennial plan. A new position of project coordinator for Guinea was created for an 18-month period, and two limited-term contracts were created to enable the delegations to IGOs in Brussels and Geneva to expand their operations. FIDH's recruitment policy continues to encourage the internationalisation of the IS in order to benefit from diverse experiences. At the end of December 2011, 15 nationalities were represented within the 41 employees of the IS. The average age of the employees is 35.

FIDH policy respects gender equality and non-discrimination in recruitment and working conditions. There are more women than men at the FIDH IS, and on the steering committee, which is composed of the General management and directors Departements. The International Board (IB) adopted the "gender" charter. Human resources management is coordinated by the Executive Director and the head of the human resources desk; in 2011 monthly meetings were held with the four staff delegates, and an annual seminar on the organisation of FIDH work was held in September 2011.

*"The International Secretariat has undergone an important reorganisation and is now better able to pursue its objectives. The new organisational structure, the clarification of functions and the introduction of an intermediate management level and of a Steering Committee, have enhanced the effectiveness of our actions»*

*SIDA Evaluation 2012, "Steadfast in Progress"*

Furthermore, the IB working group on Human Resources issues, which is composed of staff members, the General management and the head of Human Resources, was very active for the first quarter of the year 2011.

It first enabled clarification of the roles and responsibilities within both the IS and the IB. This allowed the IB to become more aware of human resources issues, which further led to the identification of certain processes that needed to be started and certain procedures that needed to be introduced, improved or better communicated.

The two most important processes launched in 2012 as a result of that working group were:

- a wage comparison between FIDH and other NGOs',
- and a description of positions held within the IS, aimed at clarifying the missions and responsibilities attached to each position.

These processes should – if possible by end of 2012 – lead to a revision of both classification and salary grids.

Improving staff wages remains a major stake in the current context of tight financial constraints, worsened by the global financial crisis, and of the increase in the cost of living in certain cities where the FIDH International Secretariat staff are working.

#### > Prioritisation, programming, reporting and evaluation

In 2011, monthly meetings were scheduled to discuss the prioritisation of activities. Discussions are thus held and choices are proposed on the basis of "monthly priorities" addressed by each IS desk to the Steering Committee and to the FIDH President.

A process was undertaken this year to provide clearer goals and deadlines for the single reporting and planning system in order to optimise it. Technical specifications were also made to make this tool more cooperative and easier to use. Systematic reporting needs to be improved, and relevant indicators adequately discussed and adapted.

Action programmes are drawn up by zone and by theme. They are regularly evaluated and adjusted on the basis of



daily contact with the Leagues located in the field and with IB members. Strategic meetings of the three FIDH pillars (IS, IB and the Leagues) are also a unique opportunity to consolidate the Leagues' field experiences and the IS's expertise. Through its constant interaction with local civil society, FIDH can quickly identify local obstacles to planned actions and take the necessary steps to adapt its activities.

In 2011, external consultants evaluated two FIDH programmes of action, mobilising all the FIDH teams: the "Breaking the isolation of human rights organisations" programme, funded by the European Commission, and the "Freedom of expression" programme, supported by the Swedish International Development Agency, SIDA.

SIDA also carried out an evaluation regarding the implementation of the FIDH 2009-2011 multi-year strategic plan. These evaluations help FIDH to analyse the effectiveness of its actions and to assess their relevance in terms of its objectives.

In order to develop its multi-year strategy, FIDH is currently establishing a new Integrated Management System (IMS). This system, which was launched in 2011, will be completed and operational in 2012, and will handle altogether the analytical and budgetary accountancy, as well as the follow-up and reporting of programmes of actions to funders.

## > Risk evaluation and management

FIDH applies a principle of "maximum security" to guarantee the confidentiality of its sources. It does not carry out any activity that would increase risks to IS members, defenders or participating organisations. All activities are carried out together with member and partner organisations, who are in the best position to evaluate the risks connected to each activity. FIDH is striving to implement foolproof communication techniques, so as to substantially reduce these risks. In 2010-2011, a training module on the security of missions was introduced and has been used to draw up guidelines which are now included in the "mission kit" and are regularly adjusted.

## > Strategic contacts and training

The IS continued holding strategic meetings. Priority subjects included fund-raising and the preparation of a "mission kit" (including a handbook on the preparation of missions, standard terms of reference, a handbook on how to gather victims' testimony, etc.).

FIDH continued its intensive training policy. In 2011, as in 2010, modules were used to train 28 IS members in languages, office automation, new web tools, mission security and public speaking.

Similarly, FIDH continues to be a source of inter-generational training and communication, receiving 33 interns from 13 countries at the 8 FIDH sites.

## Objective 2 Enrolling expertise

Mission delegates are accompanied by voluntary experts from around the world who participate in all FIDH field missions. In 2011, FIDH benefited from the assistance of external professional consultants for certain aspects of its activities. To cope with the ICT needs of the member organisations and the IS, FIDH thus recruited several service providers on data security, Intranet, the Web and social networks.

FIDH further called on larger assistance from pro bono lawyers in order to help its Legal Action Group (LAG) respond to the legal challenges it is facing.

FIDH has also dealt with an agency specialised in soliciting funds from the general public.

## Internal challenge 3

# Building capacity to mobilise the public and developing FIDH's protective impact and influence

### Objective 1

#### Strengthening FIDH's communication strategy

Further to work undertaken in 2010 and in accordance with FIDH's communication Master Plan, a more “institutional” component to FIDH communications was established in 2011. This strategy was carried out in response to requests from the Leagues and was undertaken under three headings: communication about FIDH, highlighting the impacts of FIDH activities, and interaction with the Leagues.

#### > Communication about FIDH

Instead of the long title “*Fédération internationale des ligues des droits de l'Homme*”, the acronym “FIDH”, which was enforced in 2010, is now used on all communications since 2011. To promote membership of the FIDH network, a “Member of FIDH” logo was created in 14 languages and sent to 164 leagues. Individual follow-up will continue in 2012.

#### Highlighting the impacts of FIDH activities

Increasing the visibility of the successes and positive outcomes of activities to which FIDH contributed has been a principal communications objective. In 2011, it was predominantly achieved through the Newsletter, FIDH website and social networks. The Newsletter was revised and a new format launched in August 2011, alternating so called “general” features (presenting selected FIDH actions and publications), and “*Éclaircies*” focused on successes and good news stories. This Newsletter, published in English and in French, is sent to some 28,000 subscribers, member Leagues, and donors and funding agencies. A 2011 Annual Report was also sent out in

early 2012. This report was presented in comic strip format and published for a second time due to popular demand. The website was adapted to provide more pictures and videos, allowing especially for better and more timely dissemination of information on the front page. Finally, social networking, especially Twitter (see below), has now become part of FIDH's communications system.

#### > Interaction with the leagues

Created in 2010, the Communication Working Group of the International Board gave the Leagues a chance to provide input into communication planning via their representatives. The Group's members were thus able to inform their regional Leagues about FIDH communication actions and initiatives.

Communication with the Leagues has also been improved. This is thanks to the creation and enhancement of certain tools such as geographic Newsletters informing the Leagues about regional activities and their impacts, the FIDH Newsletter and Twitter accounts. The Leagues were also regularly called upon to relay and take on FIDH mobilisation actions, such as mobilisation around Ales Bialiatski's arrest, and during the Arab revolutions. Lastly, operations were carried out in collaboration with FIDH League members, including collaborative for for the release of the annual report of the Observatory for the Protection of Human Rights, and work with the Finnish League during the Arab revolts, in organizing press conferences, interviews and meetings with institutions.

## Objective 2

### Strengthening communication with the media

#### > 2011 – An exceptional year

The Arab revolutions made 2011 an exceptional year for human rights and FIDH had to adapt and develop its pro-activity due to requests for assistance which increased exponentially early in the year. FIDH also had to adapt its tools, especially in implementing its presence on social networks, particularly Twitter. Finally, making further inroads into the English-speaking media and in Scandinavian countries was a major challenge in 2011.

Thanks to the impact of the Arab revolutions, FIDH has crossed a notable threshold in terms of media coverage, with

over 20,114 articles citing the organization on the Web (on-line media, info sites, blogs) in all languages and all regions. This was a marked increase on the 7,167 citations FIDH received in 2010. Half of the media coverage for 2011 occurred in January and February: first acting as an invaluable source of information at a time when journalists could not enter Tunisia, shortly before the fall of Ben Ali, FIDH was then asked to provide its analysis of the situation in the country and in the region. This exceptional context has also permitted FIDH member Leagues in the Arab world to make their voices heard in the international media.

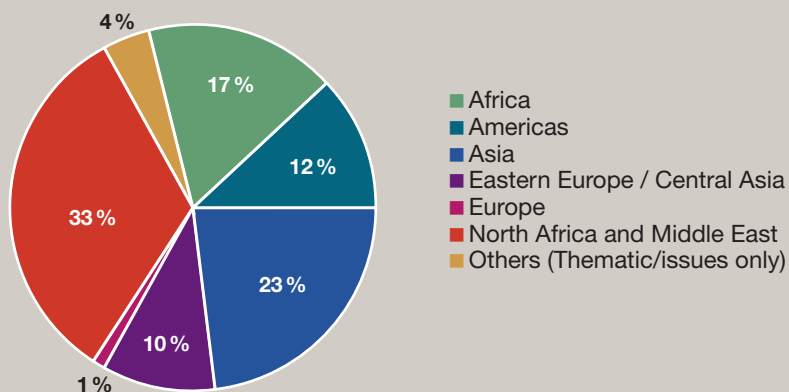
FIDH has made some changes to respond better and more quickly to events and has developed direct communication with press agencies. Above all, it has made it a priority to communicate on the web, through its internet site and particularly through social networking.

## OUTPUTS / ACTIVITIES

### Documents released to the press

Geographic area	2010	2011
Africa	76	95 – including 19 obs
Americas	74	68 – including 13 obs
Asia	93	126 – including 30 obs
Eastern Europe/ Central Asia	56	55 – including 12 obs
Europe	16	7 – including 4 obs
North Africa and Middle East	99	187 – including 40 obs
Others (Thematic/issues only)	45	20
<b>TOTAL</b>	<b>459</b>	<b>558</b>

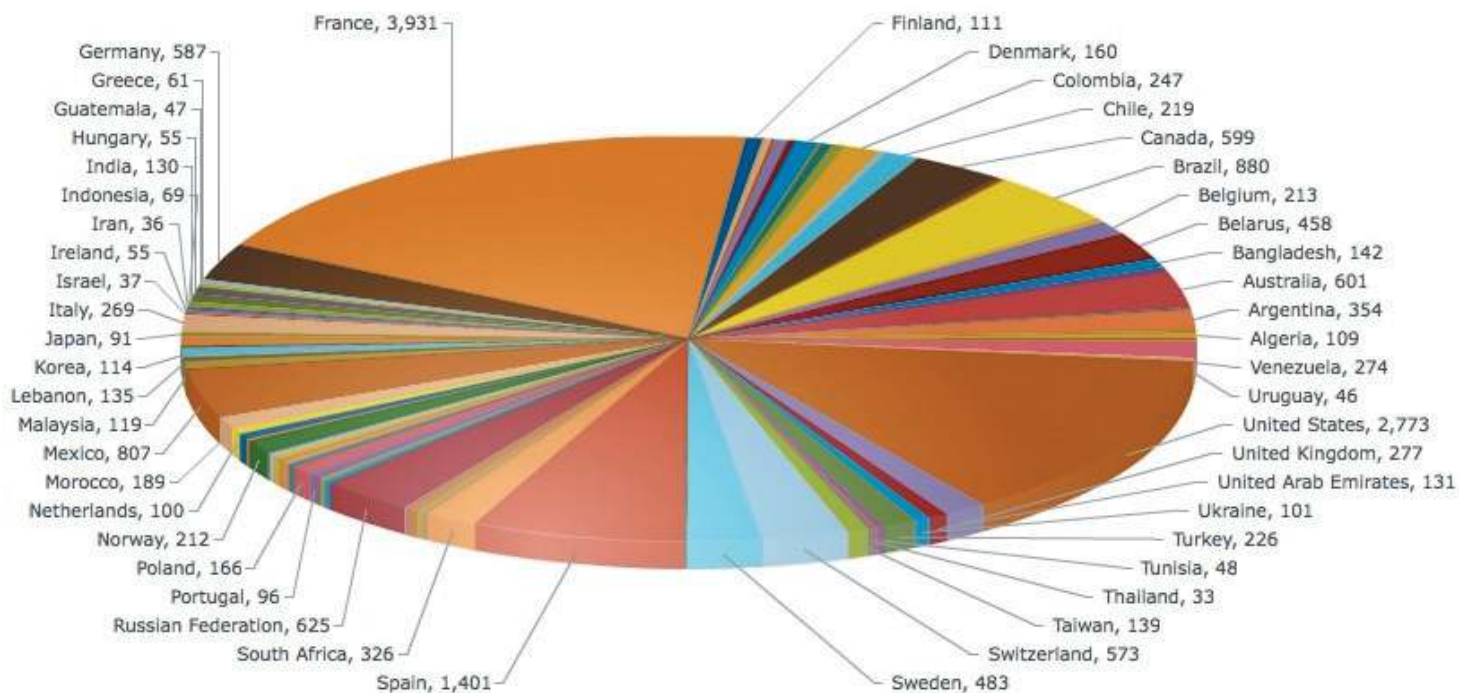
### Breakdown by Geographic areas of documents released to the press in 2011



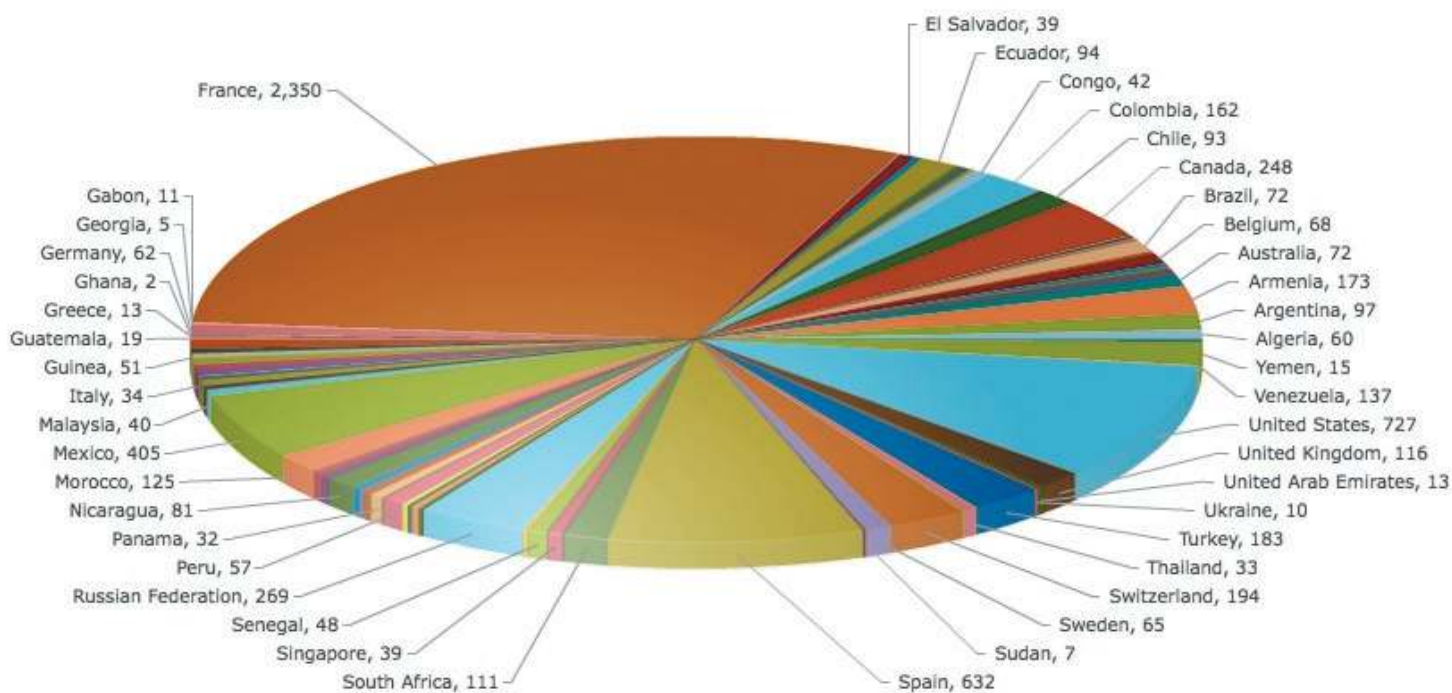


## > Analysis of media relays

### 2011 – Distribution of media relays by country



### 2010 – Distribution of media relays by country



The number of media relays remains very high in France, where FIDH has its headquarters. However, there is also a significant increase in the number of relays in the United States (2,769 in 2011 compared to 710 in 2010), Spain (1390 in 2011 and 629 in 2010), and the Scandinavian countries, notably Sweden, with 481 relays as opposed to 67 in 2010, and the appearance of Finland and Norway. This increasing trend underscores the fact that events in the Arab world and FIDH's role in furnishing information and analysis has led to greater "internationalisation", through relays by press agencies, such as Associated Press, Reuters, EFE, etc., who have worldwide circulation.

The number of media relays has also increased considerably in Russia (613 mentions in 2010 compared to 266 in 2011). This is a logical outcome of the efforts expended in this region during the 2010 FIDH Congress, as well as of mobilisation during the trial and detention in Belarus of Ales Bialiatski, FIDH Vice-president and President of the Belarusian Human Rights Centre "Viasna" (FIDH member in Belarus).

## FOCUS

One of the upsides of the 10th anniversary of the September 11 attacks was the creation of a special dossier on the FIDH website on the theme "Anti-terrorism and Human Rights". This dossier presented an overall picture of the last 10 years' battle against terrorism and its impact on human rights. It provided regional analysis, video clips of interviews with FIDH experts and links to other FIDH reports on the topic. FIDH thus took an early stance on the topic in advance of this anniversary, enabling it to propose a specific approach to the reflection occasioned by the anniversary to journalists. The media impact was therefore significant; among others, articles appeared in *Le Monde*, interviews were conducted on RFI in French, Spanish and Russian, coverage was provided through France inter, France info, RTL, the BBC and Al Jazeera, and an EFE press dispatch led to substantial relay in Latin-American newspapers.

## Some outcomes

- Arab revolutions: International Bureau press conference on the Arab revolutions on 25th March: attended by 30 editorial staff from worldwide media (Arab media: Al Jazeera, Al Aram, Middle East News Agency; American media: Fox News; Brazilian media: o Estado of São Paulo; the main French radio and television networks).
- Lybia: Press conference following up on the fact-finding mission in Libya concerning human rights violations against migrants on May 18: attended by over 20 editorial staff, including from Al Jazeera, Arte, AFP, 20 Minutes and Africa 24.
- Ivory Coast: Following a March 2011 fact-finding mission, a May-June advocacy mission and a press conference in Abidjan, substantial coverage was provided in the main French media (*Libération*, *le Monde*, etc.), and large audiences in Africa were reached (through repeated quotations by RFI, *Jeune Afrique*, France 24, TV5, etc.), whilst FIDH communications were also relayed in the English, Italian, Brazilian and Spanish media.

## > Objective 3

### Developing audio visual tools

In 2011, FIDH's objective was to enhance its strategy on the use of video (audiovisual testimonies, interviews and documentary films), audio (testimonies and interviews) and photographic tools, to improve quality and production methods, and to optimize broadcasting.

An audiovisual group was formed at the International Secretariat to address this issue. Its mission is to coordinate all audiovisual projects from design to dissemination.

Three films were produced:

- A documentary on the human rights situation in Belarus
- A documentary on the detention of Ales Bialiatski, and more generally on the issue of arbitrary detention in Eastern Europe and Central Asia; and
- A documentary on the situation faced by human rights defenders in Nicaragua, in support of an international inquiry report on the topic.

In addition, several dozens of interviews and audiovisual testimonies of defenders were produced in 2011, not only on the overall human rights situation (14) but also on the activists' situation at the local level (15).

All audiovisual tools were broadcast on Daily Motion and/or YouTube.

In 2011, the Observatory also provided support to the production of a documentary by director Thierry Michel (Congo River, Katanga Business), concerning the murder of two Congolese Human Rights defenders, Floribert Chebeya and Fidèle Bazana. The Observatory's support was provided via a partnership agreement with the director's production company. The Observatory was involved in promoting the documentary and in increasing its media impact throughout 2011. The film was released in February 2012, and numerous previews and other showings took place in Belgium, Switzerland and France.

## FOCUS

### *Bitter Winter in Belarus* – a leap towards quality production and excellent broadcasting channels

This 7-minute film, produced by a professional film maker during FIDH's mission on the repression of civil society in Belarus following the presidential election, has enabled a large increase in public awareness of the situation of repression in Belarus. It has thereby provided further support to the Belarusian League, given victims a voice, informed people about FIDH (especially in the region), and served as an advocacy tool to use in addition to the mission report.

The film was broadcast on DailyMotion and Youtube (via one of the bloggers in the region), as well as being posted on Facebook

and the networks of FIDH leagues located in the region. It was also posted on FIDH's and some leagues' websites, as well as on independent regional information websites, specialized European mailing lists, via press releases when the report was released and at conferences and demonstrations on Belarus.

## > Objective 4

### **Increasing communication with a larger audience through the web and FIDH publications**

The Arab revolutions have again pointed out the increasingly important place of new information technologies in the field of human rights. The essential role played by mobile phones, the Internet and social networks to promote human rights and democracy is now universally acknowledged. FIDH has adapted to this evolution, notably by conducting an external audit of its digital strategy and its related tools. Many of the recommendations that resulted from this audit were adopted and put into practice in 2011.

The FIDH website became a priority. Giving up the FIDH blog allowed us to optimize the website's content by loading more pictures and videos. The website's ergonomics were also improved. With the Russian version of the website completed in 2010, Arabic and Spanish versions were updated in 2011. Only the RSS templates permitting the relay of RSS feeds for member leagues on the FIDH website could not be installed, due to the need for complex technology.

In a process aimed at both developing FIDH activities and increasing their visibility, several specific tools were improved or developed on the Web in 2011; for example, the FIDH Newsletter was completely redrafted (see above). A special website was created in Russian, French and English when Ales Bialiatski, FIDH vice-president and President of the Human Rights Center "Viasna" (FIDH member in Belarus), was arrested. A Web application was developed to highlight the situation of the 16 Human Rights defenders detained in Uzbek prisons, allowing for a new tone and broader publicity for FIDH communications, through unique graphic and interactive presentation. Lastly, "Storify" files, a tool which allows the incorporation of a large range of content on a certain issue, now throw light on topical news.

This strategy has paid off. 2011 saw a net increase in visits to the website (an increase of 20% over that registered in 2010), particularly from the United States (+16%) and the United Kingdom (+28%) – the English-speaking countries being a priority target in 2011. However, there were also increases in visits from France, Canada, Belgium and Switzerland. The majority of website visits still come from US and France-based internet users. In addition, the Arab Spring has allowed the website to grow in several countries, particularly in the North Africa/Middle east region with a 2,300% increase in visitors from Bahrain and a 274% increase in Tunisia. This trend was confirmed in an increase of over 500% in activity on the Arabic-speaking website. On the other hand, the number of Spanish-speaking visitors is decreasing, a result of FIDH's greater production in French and English, notably related to the Arab uprisings. The creation of a twitter account and a newsletter in spanish in 2012 should compensate this decline.

In addition, some members of staff have benefited from a training session on how to better use social networks, thus enabling FIDH to refine its Twitter strategy. Two accounts in French and in English are managed by the media desk, and other accounts exist in Arabic and Persian, as well as specific accounts on Africa and the European Union. These accounts have permitted us to reach our objectives in terms of interaction with the leagues, as well as regarding the need to raise awareness among journalists, especially English-speaking ones, and to reach a public that is aware of human rights issues (NGOs and international institutions, as well as a large audience of students, investigators and lawyers).

Thus, FIDH has been able to capitalize on its influential followers and to begin making its internet presence better known, through the multiplier effect. For instance, tweets about the situation in Bahrain were relayed by a very active Bahrain community, resulting in hundreds of thousands of re-Tweets.

As a consequence of the Arab Spring, FIDH's Facebook page experienced a 135% increase in its number of fans in 2011. Some occasional activities could result in specific content, but the investment in time is still too constraining to abandon the automatic feed by the website. Wikipedia pages in Arabic and Russian were also created.

## Défi interne 4

# Consolidating the increase and sustainability of FIDH funding

### Objective

#### Securing FIDH's activities and development

The financial crises which affected several of FIDH's financial partners in 2010, was strongly felt in 2011. FIDH's fundraising efforts faced both a reduced availability of funds for human rights work, and an increasing trend towards funding local NGOs.

Confronting these challenges, FIDH maintained its approach of consolidating resources and diversifying its sources of funding. Building upon the creation of a working group on Finance within the International Board in 2010, FIDH decided to adapt its financing strategy adopted by the International Board in July 2011. This strategy is broad in its scope and targets public and private institutional donors, philanthropic foundations, collaboration with businesses, donations from private individuals, and contributions from member organisations.

As part of renewing its fundraising strategy, FIDH also developed bi-lateral programmes with member organisations on specific situations, including those in Guinea Conakry and Haiti. On the basis of these initial positive experiences, this approach has since been broadened to a programme in Belarus.

In 2011, FIDH's resources amounted to €5.3 million from 25 donors in total. 61% of the funds came from public donors and 39% from private sources. Despite the extremely challenging context in which FIDH is operating, FIDH's income has increased by 14% from 2009 to 2011.

**FIDH Financial Overview (thousand €)**

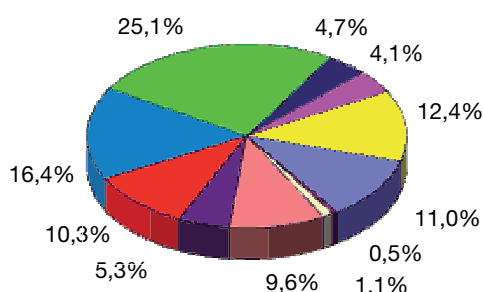
	<b>2011</b>
Income	5366
Expenditure	5085
Core funding (%)	33
Public sources (%)	61
Private sources (%)	39

FIDH is striving for an adequate mix between public and private sources of funding. In 2011, the top public donors were the Government of Sweden (SIDA), the European Commission, and the Governments of Finland, France, Irish, Norway, and the Netherlands. The most important private sources of funding were the Sigrid Rausing Trust, the Libertés and Solidarités Mutual Fund, and Fondation de France. The top ten donors contributed 74% of FIDH's funds in 2011. Core funding has grown to represent one third of total funds.



# Financial report 2011

## EXPENSES



	In euro
11,0 % To protect human rights defenders	561 526
0,5 % To promote respect for women's rights	25 246
1,1 % To promote the rights of migrants, displaced persons & refugees	55 063
9,6 % To promote the rule of law & fights against impunity	489 127
5,3 % To strengthen respect for human rights in the context of economic globalisation	267 227
10,3 % To strengthen international & regional instruments & mechanisms of protection	522 041
16,4 % To support respect for human rights & the rule of law in times of conflict, emergency or political transition	833 087
25,1 % To reinforce the mobilisation capacity: FIDH network	1 274 468
4,2 % To reinforce the mobilisation capacity: External outreach	215 499
4,1 % Logistic costs for actions	206 373
12,4 % Communication, fundraising and administrative costs	634 962

**Total Expenses: 5 084 979**

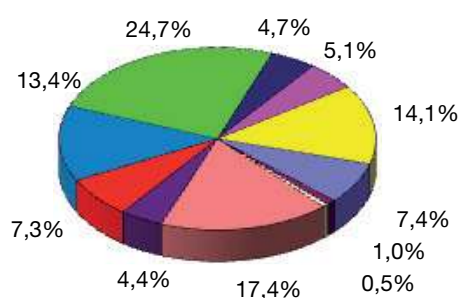
## INCOME



	In euro
7,4 % Membership fees and contributions	394 818
61,3 % Earmarked grants	3 287 316
26,2 % Non-earmarked grants	1 406 052
4,8 % Reversal of provisions & other income	259 959
0,3 % Financial & extraordinary income	17 397

**Total Income: 5 365 542**

## FINANCIAL REPORT 2010 EXPENSES



	In euro
7,4 % To protect human rights defenders	380 418
1,0 % To promote respect for women's rights	49 503
0,5 % To promote the rights of migrants, displaced persons & refugees	27 996
17,4 % To promote the rule of law & fights against impunity	898 635
4,4 % To strengthen respect for human rights in the context of economic globalisation	226 069
7,3 % To strengthen international & regional instruments & mechanisms of protection	374 900
13,4 % To support respect for human rights & the rule of law in times of conflict, emergency or political transition	692 810
24,7 % To reinforce the mobilisation capacity: FIDH network	1 273 702
4,7 % To reinforce the mobilisation capacity: External outreach	241 800
5,1 % Logistic costs for actions	261 006
14,1 % Communication, fundraising and administrative costs	725 813

**Total Expenses: 5 152 652**

## INCOME



	En euro
7,6 % Membership fees and contributions	383 154
63,2 % Earmarked grants	3 177 607
23,2 % Non-earmarked grants	1 167 155
5,9 % Reversal of provisions & other income	295 439
0,1 % Financial & extraordinary income	4 098

**Total Income: 5 027 453**

N.B.: The audited annual accounts are available upon request by email at [fidh@fidh.org](mailto:fidh@fidh.org)

# They support us

FIDH would like to thank the institutions, foundations and corporations that support its actions, in particular:

## International and national institutions

Swedish International Development Cooperation Agency (SIDA), European Commission, United Nations Voluntary Fund for Victims of Torture, Ministry of Foreign Affairs of Finland, Ministry of Foreign Affairs of France, Irish Aid, Ministry of Foreign Affairs of Norway, Ministry of Foreign Affairs of the Netherlands, Foreign and Commonwealth Office, Organisation internationale de la Francophonie, Unesco,

## Foundation, associations and other institutions

Paris Bar Association, Commonwealth Foundation, Evangelische Entwicklungsdienst (EED), FACT, Ford Foundation, Fondation de France, Infans, National Endowment for Democracy (NED), Open Society Foundations, Sigrid Rausing Trust, The John D. and Catherine T. MacArthur Foundation, Fondation Un Monde par Tous, Mairie de Paris, Rights and Democracy, OSISA.

## Corporations

Caisse des Dépôts et Consignations, Carrefour Solidarités, Dailymotion, FNAC, Gandi, Hermès, Kyodo, La Banque Postale, La Banque Postale Asset Management, Le Guide du Routard, Le Nouvel Observateur, Limite, Macif, Palais de Tokyo, Sego, Théâtre de l'Atelier, Théâtre de Chaillot, Les Visiteurs du Soir.

The Support Committee, chaired by Denis Olivennes, interpreters, translators and other volunteers, as well as all the individuals, national and international non-governmental organisations who responded to its requests for support.

